1	UNITED STATES DISTRICT COURT
2	FOR THE NORTHERN DISTRICT OF OHIO
3	EASTERN DIVISION
4	
5	IN RE: NATIONAL PRESCRIPTION
6	OPIATE LITIGATION Case No.
7	1:17-MD-2804
8	APPLIES TO ALL CASES Hon. Dan A.
9	Polster
10	Case No. 1:17-MD-2804
11	
12	January 9, 2019
13	HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER
14	CONFIDENTIALITY REVIEW
15	Videotaped deposition of
16	SOPHIA NOVACK, held at 101 Park Avenue,
17	New York, New York, commencing at 9:37 a.m.,
18	on the above date, before Marie Foley, a
19	Registered Merit Reporter, Certified
20	Realtime Reporter and Notary Public.
21	
22	GOLKOW LITIGATION SERVICES
23	877.370.3377 ph 917.591.5672 fax
24	Deps@golkow.com
I	

5 1	,		2
¹ APPEARANCE	Page 2	1	Page 4 APPEARANCES VIA TELEPHONE AND STREAMING:
2		2	
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23		23	
24		24	
	Page 3		Page 5
¹ APPEARANCE	S (Cont.):		APPEARANCES VIA TELEPHONE AND STREAMING
2 MODGANLEY	HG 0 DOCKHIG LLD		(Cont.):
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11 12	Rite Aid and the Witness		
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FARRELL FRIT BY: JAMES M. 400 RXR Plaz Uniondale Ne 516.227.0617 jwicks@farrel	ΓZ, LLP WICKS, ESQUIRE za w York 11556 llfritz.com	11 12 13 14 15 16 17	acharles@cov.com Representing McKesson JONES DAY BY: SCOTT D. QUELLHORST, ESQUIRE 77 West Wacker Chicago, Illinois 60601 312.782.3939
FARRELL FRITAL BY: JAMES M. 400 RXR Plaz Uniondale Ne 516.227.0617 jwicks@farrel Representing	ΓZ, LLP WICKS, ESQUIRE za w York 11556 llfritz.com	11 12 13 14 15 16 17 18	acharles@cov.com Representing McKesson JONES DAY BY: SCOTT D. QUELLHORST, ESQUIRE 77 West Wacker Chicago, Illinois 60601 312.782.3939 squellhorst@jonesday.com
FARRELL FRITAL BY: JAMES M. 400 RXR Plaz Uniondale Ne 516.227.0617 jwicks@farrel Representing	ΓZ, LLP WICKS, ESQUIRE za w York 11556 llfritz.com	11 12 13 14 15 16 17 18 19 20	acharles@cov.com Representing McKesson JONES DAY BY: SCOTT D. QUELLHORST, ESQUIRE 77 West Wacker Chicago, Illinois 60601 312.782.3939 squellhorst@jonesday.com
FARRELL FRITAL BY: JAMES M. 400 RXR Plaz Uniondale Ne 516.227.0617 jwicks@farrel Representing	ΓZ, LLP WICKS, ESQUIRE za w York 11556 llfritz.com	11 12 13 14 15 16 17 18 19 20 21	acharles@cov.com Representing McKesson JONES DAY BY: SCOTT D. QUELLHORST, ESQUIRE 77 West Wacker Chicago, Illinois 60601 312.782.3939 squellhorst@jonesday.com

1	Page 6 APPEARANCES VIA TELEPHONE AND STREAMING	Page 8
	(Cont.):	
3	(Cont.).	EXHIBITS
	JACKSON KELLY PLLC	4 NO. DESCRIPTION PAGE
	BY: GRETCHEN M. CALLAS, ESQUIRE	5 Rite Aid - LinkedIn page for Sophia 21
6	500 Lee Street East	6 Novack Novack
7	Suite 1600	⁷ Exhibit 1
8	Charleston West Virginia 25301-2302	8 Rite Aid - Corporate Loss Prevention 51
9	304.340.1000	9 Novack Department chart January
10	gcallas@jacksonkelly.com	¹⁰ Exhibit 2 26, 2011, Bates No.
11	Representing AmerisourceBergen	Rite_Aid_OMDL_0044539
12		¹² Rite Aid - Corporate Asset Protection 61
13	BAILEY & WYANT, PLLC	13 Novack Department organization
14	BY: JUSTIN C. TAYLOR, ESQUIRE	¹⁴ Exhibit 3 chart, Bates No.
15	500 Virginia Street East	Rite_Aid_OMDL_0044732 to
16	Suite 600	Rite_Aid_OMDL_0044733
17	Charleston West Virginia 25337	¹⁷ Rite Aid - E-mail dated January 25, 79
18	304.345.4222	Novack 2012, with attachment,
19	jtaylor@baileywyant.com	¹⁹ Exhibit 4 Bates No.
20	Representing West Virginia Board of	Rite_Aid_OMDL_037355 to
21	Pharmacy	21 Rite_Aid_OMDL_037371
23	ALSO PRESENT:	23
24	Ray Moore, videographer, trial tech	24
21	Ray Moore, videographer, trial teen	27
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1		1
2	TRANSCRIPT INDEX	1 EXHIBITS
2 3	PAGE	1
2 3 4	PAGE APPEARANCES2 - 6	1
2 3 4 5	PAGE APPEARANCES	EXHIBITS EXHIBITS NO. DESCRIPTION PAGE Rite Aid - Email chain ending 137
2 3 4 5 6	PAGE APPEARANCES	EXHIBITS EXHIBITS NO. DESCRIPTION PAGE Rite Aid - Email chain ending 137 Novack November 10, 2012, with
2 3 4 5 6	PAGE APPEARANCES	EXHIBITS EXHIBITS NO. DESCRIPTION PAGE Rite Aid - Email chain ending 137 Novack November 10, 2012, with Exhibit 5 attachment, Bates No.
2 3 4 5 6 7	PAGE APPEARANCES	EXHIBITS EXHIBITS NO. DESCRIPTION PAGE Rite Aid - Email chain ending 137 Novack November 10, 2012, with Exhibit 5 attachment, Bates No. Rite_Aid_OMDL_00029787 to
2 3 4 5 6 7 8	PAGE APPEARANCES	EXHIBITS EXHIBITS NO. DESCRIPTION PAGE Rite Aid - Email chain ending 137 Novack November 10, 2012, with Exhibit 5 attachment, Bates No. Rite_Aid_OMDL_00029787 to Rite_Aid_OMDL_00029954
2 3 4 5 6 7 8 9	PAGE APPEARANCES	EXHIBITS EXHIBITS EXHIBITS NO. DESCRIPTION PAGE Rite Aid - Email chain ending 137 Novack November 10, 2012, with Exhibit 5 attachment, Bates No. Rite_Aid_OMDL_00029787 to Rite_Aid_OMDL_00029954 Rite_Aid_OMDL_00029954 Rite Aid - Email chain ending 185
2 3 4 5 6 7 8 9	PAGE APPEARANCES	EXHIBITS EXHIBITS NO. DESCRIPTION PAGE Rite Aid - Email chain ending 137 Novack November 10, 2012, with Exhibit 5 attachment, Bates No. Rite_Aid_OMDL_00029787 to Rite_Aid_OMDL_00029954 Rite_Aid_OMDL_00029954 Rite_Aid_OMDL_00029954
2 3 4 5 6 7 8 9 10	PAGE APPEARANCES	EXHIBITS EXHIBITS NO. DESCRIPTION PAGE Rite Aid - Email chain ending 137 Novack November 10, 2012, with Exhibit 5 attachment, Bates No. Rite_Aid_OMDL_00029787 to Rite_Aid_OMDL_00029954 Rite_Aid_OMDL_00029954 Rite Aid - Email chain ending 185 Novack September 16, 2011, Bates
2 3 4 5 6 7 8 9 10 11 12 13 14	PAGE APPEARANCES	EXHIBITS EXHIBITS NO. DESCRIPTION PAGE Rite Aid - Email chain ending 137 Novack November 10, 2012, with Exhibit 5 attachment, Bates No. Rite_Aid_OMDL_00029787 to Rite_Aid_OMDL_00029954 Rite Aid - Email chain ending 185 Novack September 16, 2011, Bates Novack September 16, 2011, Bates Exhibit 6 No. MCK_MDL_00632923 to MCK_MDL_00632925 Rite Aid - Pleading in Case No. 202
2 3 4 5 6 7 8 9 10 11 12 13 14 15	PAGE APPEARANCES	EXHIBITS EXHIBITS NO. DESCRIPTION PAGE Rite Aid - Email chain ending 137 Novack November 10, 2012, with Exhibit 5 attachment, Bates No. Rite_Aid_OMDL_00029787 to Rite_Aid_OMDL_00029954 Rite_Aid_OMDL_00029954 Novack September 16, 2011, Bates Exhibit 6 No. MCK_MDL_00632923 to MCK_MDL_00632925 A Rite Aid - Pleading in Case No. 202 Novack 5-14CR096
2 3 4 4 5 6 7 8 9 10 11 12 13 14 15 16	PAGE APPEARANCES	EXHIBITS EXHIBITS NO. DESCRIPTION PAGE Rite Aid - Email chain ending 137 Novack November 10, 2012, with Exhibit 5 attachment, Bates No. Rite_Aid_OMDL_00029787 to Rite_Aid_OMDL_00029954 Rite Aid - Email chain ending 185 Novack September 16, 2011, Bates Exhibit 6 No. MCK_MDL_00632923 to MCK_MDL_00632925 Ack Rite Aid - Pleading in Case No. 202 Novack 5-14CR096 Exhibit 7
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	PAGE APPEARANCES	EXHIBITS EXHIBITS NO. DESCRIPTION PAGE Rite Aid - Email chain ending 137 Novack November 10, 2012, with Exhibit 5 attachment, Bates No. Rite_Aid_OMDL_00029787 to Rite_Aid_OMDL_00029954 Rite_Aid_OMDL_00029954 Novack September 16, 2011, Bates Novack September 16, 2011, Bates Exhibit 6 No. MCK_MDL_00632923 to MCK_MDL_00632925 Rite Aid - Pleading in Case No. 202 Novack 5-14CR096 Exhibit 7 Rite Aid - Press release dated 209
2 3 4 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	PAGE APPEARANCES	EXHIBITS EXHIBITS NO. DESCRIPTION PAGE Rite Aid - Email chain ending 137 Novack November 10, 2012, with Exhibit 5 attachment, Bates No. Rite_Aid_OMDL_00029787 to Rite_Aid_OMDL_00029954 Rite Aid - Email chain ending 185 Novack September 16, 2011, Bates Exhibit 6 No. MCK_MDL_00632923 to MCK_MDL_00632925 A Rite Aid - Pleading in Case No. 202 Novack 5-14CR096 Exhibit 7 Rite Aid - Press release dated 209 Novack October 20, 2014
2 3 4 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	PAGE APPEARANCES	EXHIBITS EXHIBITS NO. DESCRIPTION PAGE Rite Aid - Email chain ending 137 Novack November 10, 2012, with Exhibit 5 attachment, Bates No. Rite_Aid_OMDL_00029787 to Rite_Aid_OMDL_00029954 Rite Aid - Email chain ending 185 Novack September 16, 2011, Bates Exhibit 6 No. MCK_MDL_00632923 to MCK_MDL_00632925 Rite Aid - Pleading in Case No. 202 Novack 5-14CR096 Exhibit 7 Rite Aid - Press release dated 209 Novack October 20, 2014
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	PAGE APPEARANCES	EXHIBITS EXHIBITS NO. DESCRIPTION PAGE Rite Aid - Email chain ending 137 Novack November 10, 2012, with Exhibit 5 attachment, Bates No. Rite_Aid_OMDL_00029787 to Rite_Aid_OMDL_00029954 Rite Aid - Email chain ending 185 Novack September 16, 2011, Bates Exhibit 6 No. MCK_MDL_00632923 to MCK_MDL_00632925 Rite Aid - Pleading in Case No. 202 Novack 5-14CR096 Exhibit 7 Rite Aid - Press release dated 209 Novack October 20, 2014 Exhibit 8 Rite Aid - Cleveland.com article 211
2 3 4 4 5 6 7 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	PAGE APPEARANCES	EXHIBITS EXHIBITS NO. DESCRIPTION PAGE Rite Aid - Email chain ending 137 Novack November 10, 2012, with Exhibit 5 attachment, Bates No. Rite_Aid_OMDL_00029787 to Rite_Aid_OMDL_00029954 Rite Aid - Email chain ending 185 Novack September 16, 2011, Bates Exhibit 6 No. MCK_MDL_00632923 to MCK_MDL_00632925 Rite Aid - Pleading in Case No. 202 Novack 5-14CR096 Exhibit 7 Rite Aid - Press release dated 209 Novack October 20, 2014 Exhibit 8 Rite Aid - Cleveland.com article 211 Novack dated February 13, 2015
2 3 4 4 5 6 7 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	PAGE APPEARANCES	EXHIBITS EXHIBITS NO. DESCRIPTION PAGE Rite Aid - Email chain ending 137 Novack November 10, 2012, with Exhibit 5 attachment, Bates No. Rite_Aid_OMDL_00029787 to Rite_Aid_OMDL_00029954 Rite Aid - Email chain ending 185 Novack September 16, 2011, Bates Exhibit 6 No. MCK_MDL_00632923 to MCK_MDL_00632925 Rite Aid - Pleading in Case No. 202 Novack 5-14CR096 Exhibit 7 Rite Aid - Press release dated 209 Novack October 20, 2014 Exhibit 8 Rite Aid - Cleveland.com article 211 Novack dated February 13, 2015 Exhibit 9
2 3 4 4 5 6 7 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	PAGE APPEARANCES	EXHIBITS EXHIBITS NO. DESCRIPTION PAGE Rite Aid - Email chain ending 137 Novack November 10, 2012, with Exhibit 5 attachment, Bates No. Rite_Aid_OMDL_00029787 to Rite_Aid_OMDL_00029954 Rite Aid - Email chain ending 185 Novack September 16, 2011, Bates Exhibit 6 No. MCK_MDL_00632923 to MCK_MDL_00632925 Rite Aid - Pleading in Case No. 202 Novack 5-14CR096 Exhibit 7 Rite Aid - Press release dated 209 Novack October 20, 2014 Exhibit 8 Rite Aid - Cleveland.com article 211 Novack dated February 13, 2015

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1		1	DEPOSITION SUPPORT INDEX
2	EXHIBITS	2	
3		3	DIRECTION TO WITNESS NOT TO ANSWER
4	NO. DESCRIPTION PAGE	4	Page Line
5	Rite Aid - Email chain ending 217	5	19 15
6	Novack December 19, 2012, Bates	6	
7	Exhibit 10 No. MCK_MDL_00571625 to	7	
8	MCK_MDL_00571628	8	REQUEST FOR PRODUCTION OF DOCUMENTS
9	Rite Aid - Email chain ending 231	9	Page Line
10	Novack February 21, 2014, Bates	10	none
11	Exhibit 11 No. MCK_MDL_00547503 to	11	
12	MCK_MDL_00547510	12	
13	Rite Aid - Email chain ending October 257	13	STIPULATIONS
14	Novack 7, 2017, Bates No.	14	Page Line
15	Exhibit 12 MCK_MDL_00633242	15	none
16	Rite Aid - Email chain ending August 267	16	
	Novack 27, 2014, Bates No.	17	
18	Exhibit 13 MCK_MDL_00627585 to	18	QUESTIONS MARKED
19	MCK_MDL_00627587	19	Page Line
	Rite Aid - Email chain ending August 286	20	none
	Novack 27, 2014, Bates No.	21	
	Exhibit 14 Rite_Aid_OMDL_0030479 to	22	
23	Rite_Aid_OMDL_0030684	23	
24		24	
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1		1	
2	EXHIBITS	2	9:37 a.m.
3		3	New York, New York
4	NO. DESCRIPTION PAGE	4	
5	Rite Aid - Email chain ending August 316	5	THE VIDEOGRAPHER: We are now on
6	Novack 28, 2014, Bates No.	6	the record.
7	Exhibit 15 MCK_MDL_00630329 to	7	My name is Ray Moore. I am a
8	MCK_MDL_00630330	8	videographer for Golkow Litigation
9	Rite Aid - Email chain ending June 333	9	Services.
10	Novack 17, 2013, Bates No.	10	Today's date is January 9th,
11	Exhibit 16 Rite_Aid_OMDL_003075 to	11	2019, and the time is 9:37 a.m.
12	Rite_Aid_OMDL_003077	12	This video deposition is being
13	Rite Aid - Email chain ending October 349	13	held in New York, New York in the
14	Novack 9, 2013, Bates No.	14	matter In Re: National Prescription
15	Exhibit 17 Rite_Aid_OMDL_0050291 to	15	Opiate Litigation, for the United
16	Rite_Aid_OMDL_0050306	16	States District Court for the Northern
17		17	District of Ohio, Eastern Division,
18		18	MDL Number 2804.
19		19	The deponent is Sophia Novack.
20		20	Counsel will be noted on the
21		21	stenographic record.
22		22	The court reporter is Marie
23		23	Foley, and will now swear in the
24		24	witness.
- 1		I	

		_	
	Page 14		Page 16
1		1	a question pending, you have to answer it
2	SOPHIA NOVACK, the Witness herein, having	2	before we take a break.
3	been first duly sworn by a Notary	3	You understand?
4	Public in and of the State of New	4	A. Yes.
5	York, was examined and testified as	5	MR. LAVELLE: The witness
6	follows:	6	reserves the right to consult with
7	EXAMINATION BY	7	counsel on issues of privilege.
8	MR. SIMMER:	8	BY MR. SIMMER:
9	Q. Good morning, ma'am. My name is	9	Q. Just as happened just now with
10	Scott Simmer. I'm here on behalf of the	10	Mr. Lavelle, from time to time, the
11	plaintiffs in the this litigation from	11	attorneys will lodge objections. You are
12	Baron and Budd.	12	still expected to answer unless counsel
13	Have you been deposed before?	13	directs you not to answer.
14	A. No.	14	Do you understand?
15	Q. Okay. I expect your counsel or	15	A. Yes.
16	the counsel sitting next to you has talked	16	Q. And, do you understand these
17	to you about this as well. I may go	17	procedures?
18	through some of the ground rules.	18	A. Yes.
19	I'm going to be asking you a	19	Q. Is there any reason why you
20	series of questions. The court reporter	20	cannot testify truthfully and accurately
21	is taking down verbatim what we each say.	21	today?
22	For that reason, it's important that we do	22	A. No.
23	not talk over each other. She can only	23	Q. You're not taking any medication
24	take down one speaker at a time.	24	of any kind that would interfere with your
_	•		•
	Page 15		Page 17
1	T 41 4 C 1 O	1	
1	Is that fair?	1	ability to answer truthfully?
2	A. Yes.	2	ability to answer truthfully? A. No.
2 3	A. Yes.Q. And, for that reason too, you	2 3	ability to answer truthfully? A. No. Q. There's counsel sitting next to
2 3 4	A. Yes. Q. And, for that reason too, you must answer verbally. You can't just nod	2 3 4	ability to answer truthfully? A. No. Q. There's counsel sitting next to you.
2 3 4 5	A. Yes. Q. And, for that reason too, you must answer verbally. You can't just nod your head. She can't take down a nod of	2 3 4 5	ability to answer truthfully? A. No. Q. There's counsel sitting next to you. Did you retain this Morgan
2 3 4 5 6	A. Yes. Q. And, for that reason too, you must answer verbally. You can't just nod your head. She can't take down a nod of the head. So you have to answer verbally.	2 3 4 5 6	ability to answer truthfully? A. No. Q. There's counsel sitting next to you. Did you retain this Morgan Lewis to defend you in this deposition?
2 3 4 5 6 7	A. Yes. Q. And, for that reason too, you must answer verbally. You can't just nod your head. She can't take down a nod of the head. So you have to answer verbally. Do you understand?	2 3 4 5 6 7	ability to answer truthfully? A. No. Q. There's counsel sitting next to you. Did you retain this Morgan Lewis to defend you in this deposition? A. Yes.
2 3 4 5 6 7 8	A. Yes. Q. And, for that reason too, you must answer verbally. You can't just nod your head. She can't take down a nod of the head. So you have to answer verbally. Do you understand? A. Yes.	2 3 4 5 6 7 8	ability to answer truthfully? A. No. Q. There's counsel sitting next to you. Did you retain this Morgan Lewis to defend you in this deposition? A. Yes. Q. Are you paying for your counsel
2 3 4 5 6 7 8	A. Yes. Q. And, for that reason too, you must answer verbally. You can't just nod your head. She can't take down a nod of the head. So you have to answer verbally. Do you understand? A. Yes. Q. You also have to answer fully	2 3 4 5 6 7 8	ability to answer truthfully? A. No. Q. There's counsel sitting next to you. Did you retain this Morgan Lewis to defend you in this deposition? A. Yes. Q. Are you paying for your counsel today?
2 3 4 5 6 7 8 9	A. Yes. Q. And, for that reason too, you must answer verbally. You can't just nod your head. She can't take down a nod of the head. So you have to answer verbally. Do you understand? A. Yes. Q. You also have to answer fully and accurately and verbally.	2 3 4 5 6 7 8 9	ability to answer truthfully? A. No. Q. There's counsel sitting next to you. Did you retain this Morgan Lewis to defend you in this deposition? A. Yes. Q. Are you paying for your counsel today? A. No.
2 3 4 5 6 7 8 9 10	A. Yes. Q. And, for that reason too, you must answer verbally. You can't just nod your head. She can't take down a nod of the head. So you have to answer verbally. Do you understand? A. Yes. Q. You also have to answer fully and accurately and verbally. You understand?	2 3 4 5 6 7 8 9 10	ability to answer truthfully? A. No. Q. There's counsel sitting next to you. Did you retain this Morgan Lewis to defend you in this deposition? A. Yes. Q. Are you paying for your counsel today? A. No. Q. Who's paying for your counsel
2 3 4 5 6 7 8 9 10 11	A. Yes. Q. And, for that reason too, you must answer verbally. You can't just nod your head. She can't take down a nod of the head. So you have to answer verbally. Do you understand? A. Yes. Q. You also have to answer fully and accurately and verbally. You understand? A. Yes.	2 3 4 5 6 7 8 9 10 11	ability to answer truthfully? A. No. Q. There's counsel sitting next to you. Did you retain this Morgan Lewis to defend you in this deposition? A. Yes. Q. Are you paying for your counsel today? A. No. Q. Who's paying for your counsel today?
2 3 4 5 6 7 8 9 10 11 12	A. Yes. Q. And, for that reason too, you must answer verbally. You can't just nod your head. She can't take down a nod of the head. So you have to answer verbally. Do you understand? A. Yes. Q. You also have to answer fully and accurately and verbally. You understand? A. Yes. Q. If you don't understand a	2 3 4 5 6 7 8 9 10 11 12 13	ability to answer truthfully? A. No. Q. There's counsel sitting next to you. Did you retain this Morgan Lewis to defend you in this deposition? A. Yes. Q. Are you paying for your counsel today? A. No. Q. Who's paying for your counsel today? A. Rite Aid headquarters.
2 3 4 5 6 7 8 9 10 11 12 13	A. Yes. Q. And, for that reason too, you must answer verbally. You can't just nod your head. She can't take down a nod of the head. So you have to answer verbally. Do you understand? A. Yes. Q. You also have to answer fully and accurately and verbally. You understand? A. Yes. Q. If you don't understand a question, please say so and I'll try to	2 3 4 5 6 7 8 9 10 11 12 13	ability to answer truthfully? A. No. Q. There's counsel sitting next to you. Did you retain this Morgan Lewis to defend you in this deposition? A. Yes. Q. Are you paying for your counsel today? A. No. Q. Who's paying for your counsel today? A. Rite Aid headquarters. Q. What's your understanding of why
2 3 4 5 6 7 8 9 10 11 12 13 14	A. Yes. Q. And, for that reason too, you must answer verbally. You can't just nod your head. She can't take down a nod of the head. So you have to answer verbally. Do you understand? A. Yes. Q. You also have to answer fully and accurately and verbally. You understand? A. Yes. Q. If you don't understand a question, please say so and I'll try to rephrase it. Otherwise, I can I will	2 3 4 5 6 7 8 9 10 11 12 13 14	ability to answer truthfully? A. No. Q. There's counsel sitting next to you. Did you retain this Morgan Lewis to defend you in this deposition? A. Yes. Q. Are you paying for your counsel today? A. No. Q. Who's paying for your counsel today? A. Rite Aid headquarters. Q. What's your understanding of why you are here today?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. Yes. Q. And, for that reason too, you must answer verbally. You can't just nod your head. She can't take down a nod of the head. So you have to answer verbally. Do you understand? A. Yes. Q. You also have to answer fully and accurately and verbally. You understand? A. Yes. Q. If you don't understand a question, please say so and I'll try to rephrase it. Otherwise, I can I will assume that you understood what I'm	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	ability to answer truthfully? A. No. Q. There's counsel sitting next to you. Did you retain this Morgan Lewis to defend you in this deposition? A. Yes. Q. Are you paying for your counsel today? A. No. Q. Who's paying for your counsel today? A. Rite Aid headquarters. Q. What's your understanding of why you are here today? A. Involvement in lit opioid
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Yes. Q. And, for that reason too, you must answer verbally. You can't just nod your head. She can't take down a nod of the head. So you have to answer verbally. Do you understand? A. Yes. Q. You also have to answer fully and accurately and verbally. You understand? A. Yes. Q. If you don't understand a question, please say so and I'll try to rephrase it. Otherwise, I can I will assume that you understood what I'm asking. Is that fair? A. Yes. Q. You understand that you must answer truthfully, correct? A. Yes.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	ability to answer truthfully? A. No. Q. There's counsel sitting next to you. Did you retain this Morgan Lewis to defend you in this deposition? A. Yes. Q. Are you paying for your counsel today? A. No. Q. Who's paying for your counsel today? A. Rite Aid headquarters. Q. What's your understanding of why you are here today? A. Involvement in lit opioid litigations. Q. I can tell right away I'm going to have to ask you to speak up a bit. I'm a little hard of hearing, so. A. Okay. Q. Thank you.

	Page 18		Page 20
1	for your testimony?	1	disclosure of attorney/client
2	A. Yes.	2	communications.
3	Q. Who did you meet with?	3	BY MR. SIMMER:
4	- ·	4	
5	A. I met with John, Kelly and	5	Q. There's nothing privileged about
6	Carolyn.		whether a yes-or-no question whether
7	Q. And when did you meet with them?	6	you asked they asked you to produce
	A. The last couple of days.		documents.
8	Q. How long did you meet with them?	8	A. No.
9	A. For couple hours over three	9	Q. Did they ask you to produce any
10	days.	10	hard copy files you had in your
11	Q. Couple?	11	possession?
12	A. Couple of hours over three days.	12	MR. LAVELLE: Objection.
13	Q. Did they show you any documents?	13	Direct the witness not to answer
14	A. Yes.	14	to the extent it would require
15	Q. How many?	15	disclosure of attorney/client
16	A. A binder full.	16	communications.
17	Q. What kind of documents, just	17	A. No.
18	generally?	18	Q. Do you have any hard copy files
19	A. Communications that I've had,	19	or electronic files from your time at
20	training documents that we've done.	20	Rite Aid in your possession?
21	Q. I asked you a moment ago, but	21	A. No.
22	I'm going to ask you again just to	22	Q. Nothing on a computer or
23	clarify.	23	anywhere from your time at Rite Aid?
24	Have you been involved in	24	A. No.
	Page 19		Page 21
1	_	1	_
1 2	litigation of any kind before?	1 2	Q. No boxes of documents from your
	litigation of any kind before? A. No.		_
2	litigation of any kind before?	2	Q. No boxes of documents from your time at Rite Aid? A. No.
2 3	litigation of any kind before? A. No. Q. Not as a party? A. No.	2 3	Q. No boxes of documents from your time at Rite Aid? A. No. (Rite Aid - Novack Exhibit 1,
3 4	litigation of any kind before?A. No.Q. Not as a party?A. No.Q. Not as a witness?	3 4	Q. No boxes of documents from your time at Rite Aid? A. No. (Rite Aid - Novack Exhibit 1, LinkedIn page for Sophia Novack, was
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2 3 4 5 6	litigation of any kind before? A. No. Q. Not as a party? A. No. Q. Not as a witness? A. No. Q. Have you ever testified before	2 3 4 5 6	Q. No boxes of documents from your time at Rite Aid? A. No. (Rite Aid - Novack Exhibit 1, LinkedIn page for Sophia Novack, was marked for identification, as of this date.)
2 3 4 5 6 7	litigation of any kind before? A. No. Q. Not as a party? A. No. Q. Not as a witness? A. No. Q. Have you ever testified before in a deposition?	2 3 4 5 6 7	Q. No boxes of documents from your time at Rite Aid? A. No. (Rite Aid - Novack Exhibit 1, LinkedIn page for Sophia Novack, was marked for identification, as of this date.) MR. LAVELLE: Counsel, what are
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Page 22 1 You understand? A. Brooklyn, New York. 2 2 A. Yes. Q. And, what were your job 3 Q. Okay. So, the information is responsibilities? information that you put on your LinkedIn A. Counsel patients and dispense page, correct? medications in the data entry system under 6 A. Correct. the supervision of a pharmacist. 7 Q. Okay. Let me start with your Q. And you worked in an actual pharmacy; is that correct? educational background. 8 9 It says here that you went to A. Correct. 10 10 the Arnold Marie Schwartz College of Q. What was the name of the pharmacy where you worked? Pharmacy. 11 12 12 Do you see that? A. Rite Aid Pharmacy. 13 13 Q. Is there a number for the A. Yes. 14 Rite Aid Pharmacy where you worked? Q. And what was your year of 15 15 graduation? A. Yes. 16 16 A. 2005. Q. That's how they keep track of 17 Q. Did you have any special area of them is by a four-digit number, correct? 18 specialization while you -- when you went 18 A. It was a four-digit number, yes. 19 19 to pharmacy school? Q. And, what was the number? 20 20 A. I achieved the doctorate of A. I don't recall the number 21 21 pharmacy and also the university honors exactly. 22 22 program. It was the location on Seaview 23 Q. My question was somewhat 23 Avenue in Brooklyn, New York. different. Q. And, how many years did you work Page 23 Page 25 I asked you if you had any area there as an intern? of specialization in your pharmacy degree. A. I worked there as an intern for 3 MR. LAVELLE: Object to form. a couple months. 4 A. Just pharmacy. Q. And, what was your next 5 O. Okay. And, where did you get position? 6 your undergraduate degree? A. Pharmacist position. 7 7 A. Same college, Long Island Q. At the same pharmacy? 8 A. At a different location in University. 9 Brooklyn, New York. Q. And you had a pharmacy degree? A. I graduated with a doctor of 10 10 Q. And, what was the location for pharmacy. It's one program, one degree. that pharmacy? 12 12 A. It was in -- on Pennsylvania Q. How many years did you go to Avenue in Brooklyn, New York. 13 school there? 13 14 A. Six years. 14 Q. And, what were your 15 15 Q. And, what was your first job responsibilities? post-graduation? 16 A. Dispense medications to 16 17 A. Rite Aid Pharmacy as an intern. patients, counsel and make sure that they 18 When you say an intern, is that understood what the medications were for. a full-time position? 19 19 Q. What hours did you work, if you 20 20 A. It was a part-time position. recall? 21 Q. Was that a paid position? 21 A. Usually an eight-hour shift 22 A. It was a paid position. during the week and rotating weekends. 23 Q. What was the geographic location Q. This was a full-time position this time? where you worked?

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- A. Full-time position.
- 2 Q. And, how long did you work in this position in Brooklyn?
- A. I was in that position for about a year, and then I became a pharmacy manager.
- Q. And a pharmacy manager is of a specific pharmacy; is that correct?
- A. Yes.

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- 10 Q. And, what pharmacy were you the 11 manager for?
- A. A pharmacy in Jackson Heights, 13 New York.
- 14 Q. What are the responsibilities of 15 a pharmacy manager?
- 16 A. Same as the pharmacist, except 17 oversee the operations of the pharmacy 18 along with the personnel.
- 19 Q. So, when you say you oversee the operations of the pharmacy, what did you 21 do for that?
- 22 A. Insure that we were operating within regulatory compliance, be ready for any type of inspection, and we had direct

- Q. Do you recall what percentage you had to answer correctly?
 - A. I don't recall the passing rate.
 - Q. When you say compliant --
- "regulatory compliance," what did that entail?
- A. Entailed following DEA regulations, recordkeeping, following our
- dispensing regulations and if we had any inspections that were coming into the
- door. Basically making sure that we were 12 following policies and procedures.
 - Q. You also said as manager you had to be ready for any type of inspection.

What kind of inspections were you talking about?

- 17 A. From any outside agency or internal agency. We have our internal audits that come in to do compliance 20 checks too.
- 21 Q. What outside agencies are you talking about?
- 23 A. Anyone that could regulate us, whether it's a fire inspection, whether

Page 27

P&L responsibility.

- Q. What training did you receive in regulatory compliance in order to fulfill that function?
- A. We had training from our pharmacy district manager. We had various computer-based training, and there were a lot of job aids and help guides that were on our Rite Aid portal for resources.
- Q. Did you receive any kind of certification of any kind for your compliance?
 - A. Did not receive any, no.
- Q. Did you take any kind of exams 15 in order to, you know, make sure that you understood the content of the compliance 16 training you received?

MR. LAVELLE: Object to form.

- A. There were questions that you had to pass at the end of the e-learnings.
- 21 Q. Did you have to answer a certain percentage of the questions correctly before you could continue on?
 - A. Yes.

it's a DEA, whether it's the Board of

Pharmacy, whether it's a third-party

audit.

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Q. And you also said that as a manager of this pharmacy, you had direct P&L responsibility.

What is that?

- A. The profit and loss statement.
- Q. I understand. But, what does that include?
- A. The overall operations of the store from sales to gross profit to what our losses, our expenses are, and at the end of the day, what the bottom line is.
- Q. So, am I right you had a responsibility to make sure the pharmacy was profitable?

MR. LAVELLE: Object to form.

- A. We had responsibility to make sure that we were operating the store as best as we can.
- Q. Just as best you could. Is that the only expectation the company had? MR. LAVELLE: Object to form.

Page 29

Page 30 1 store, the non-pharmaceutical items, did A. The expectation was to control you have any responsibility for those? 2 what we can control. 3 Q. To control what you can control. A. No. I don't have any idea what you just said. Q. So your only job was to manage 5 What does that mean? what was back in the pharm -- the prescription pharmacy section of the 6 MR. LAVELLE: Object to form. 7 A. To control our expense lines store, correct? that we directly have impact over, making A. Yes. sure that we're not over-ordering to Q. And your P&L responsibilities create overstock or ultimately damages were only for the prescription drug part that will decrease our line, making sure of the pharmacy, correct? 12 that we're protecting our assets inside A. We were tied to the whole store, ¹³ the pharmacy, managing our supply, but my contributions would have been the pharmacy side. managing our payroll, managing the things that we can control. 15 Q. Okay. You said you were 16 district manager for this store --Q. Did you in turn train the others 17 17 working in the pharmacy with you? MR. SIMMER: Strike that. 18 A. Yes. 18 Q. You were the manager for this 19 Q. What kind of training did you store for how long? 20 20 give them? A. About a year. 21 21 Q. Until when? A. On-the-job training in conjunction with their CBTs and their A. Until some time the next year, e-learnings that download throughout the February. I was promoted to a different course of their time. position. Page 31 Page 33 Q. February of what year? 1 Q. What is CBT? 2 A. Computer-based training. A. February of 2007. 3 Q. And e-learnings, what is that? 3 And you were promoted to what Q. 4 A. It's the same thing. It's all position? electronic learnings. A. A pharmacy district manager. 6 So, they had computer-based Q. And, what are the training and e-learnings and you trained responsibilities a pharmacy district them in addition to that. manager? 9 Is that -- do I have it right? A. To oversee the multi unit 10 MR. LAVELLE: Object to form. 10 pharmacies within that area. 11 11 A. There are training guides that Q. Okay. Now, if you could look at are available that we go through with them Novack Exhibit 1. I think that's what's manually that we check off as they, go 13 reflected on your LinkedIn page. 14 depending on their job role. Correct? 15 15 Q. How many people did you have A. Yes. that you were supervising as manager of 16 16 Q. And it says you had that 17 the pharmacy? position from February 2007 to August 18 A. In that particular location, a 18 2011.

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Q. And the associate, is that a 22 pharmacy tech? 23

It was a new store.

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- A. That was a pharmacy tech.
- Q. What about the front of the

staff pharmacist and a -- one associate.

and then parts of Brooklyn. It was

Do I have that right?

physically working out of?

Q. Okay. And, where were you

A. The Queens, Long Island district

A. Yes.

Page 34 Page 36 throughout the entire time we had compliance overall. different parts of the metro New York Q. You said you also had a DEA 3 area. checklist. 4

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- Q. How many pharmacies were you responsible for?
- A. It ranged throughout the districts, either from 18 to about 23 8 stores.

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Q. When I asked you what your responsibilities were, you said you were to oversee the multi unit pharmacies.

What's a multi unit pharmacy?

- 13 A. Not just one location. Like in the pharmacy manager, I was responsible for one location. As a pharmacy district manager, I was responsible for multiple 17 locations.
 - Q. So, as a district manager, do you go out and visit the -- each pharmacy to make sure that they're doing what the expect -- the company expects them to do?
 - A. We go out, yes.
- 23 Q. What else do you do in terms of making sure that they're following the

- Is that a checklist that the DEA prepared?
- A. It's an internal checklist that we prepared as a corporation.
- Q. That somehow then reflects DEA regulations?
- A. It gives us things that we want to review in the store to make sure that we are compliant with our policies and procedures and regulations.
- Q. You also said that you did training and mentorship for your pharmacy managers, correct?
 - A. Yes.
 - Q. And, what did that entail?
- A. It entailed anything that they needed from completing their job duties as a pharmacy manager, questions about operations, questions related to a policy and procedure, just going through our systems and how to use and operate those.

Page 35

company's directives?

- A. We review with the store teams.
- We conduct visits to do multiple
- compliance checks. We do training and
- mentorship for our pharmacy managers so
- that they can operate, help them
- understand some of the policies and
- procedures that we have and understand
- overall pharmacy and providing care for 10 patients.
 - Q. You said you do multiple compliance checks.

What did that entail?

- A. We have a quarterly store visit guide that we would do for our pharmacy. We had a DEA checklist that we would do annually for our pharmacies.
- 18 Q. A quarterly store visit guide, 19 is that an actual physical manual of some 20 kind?
 - A. It's a checklist.
- 22 Q. A checklist of what items?
- 23 A. Multitude of items that go over
 - from service to the business to just

Q. This is in addition to the online training you referred to earlier?

Page 37

A. Yes.

Q. So, how did you know what you were supposed to be training these people about? Did you have materials that you were provided for that purpose?

MR. LAVELLE: Object to form.

- A. It would be questions that the teams would ask while we're there. As we do these audits, if there are any deficiencies or any opportunities, we would know that there may be a training gap and we would fill in that information.
- Q. So, you simply would respond to the questions that arose during the audit and that's the kind of training you provided?

MR. LAVELLE: Object to form.

A. That's not what I'm saying.

I'm saying that we go and reinforce some things that we may identify that are deficiencies to understand if

it's just a performance issue or if it's a

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- knowledge issue, but we do have structured
- training guides as we onboard a new
- pharmacist, and we have different things
- as programs roll out just to make sure
- that they understand the different pieces
- of that program. 7
 - O. So, how long -- you said -- I think it says in here you were a district manager for a little over four years.

Is that right?

A. Yes.

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- Q. Did the DEA audit any of your pharmacies during this time period?
- A. No.
- 15 Q. Did the company audit any of 16 your pharmacies during this time period? 17
 - A. We do internal audits all the time throughout the year.
- 19 Q. So you as a district manager did the audit; is that right? 20
- 21 A. I did the audit as a district manager. There's another department, the
 - Asset Protection Department also does
 - audits. We have an Internal Assurance

districts that I had. So, it ranged from

- anywhere from 18 up to over in the 20s.
 - Q. 18 to 20, correct?
- A. Depending on the district. So,
- the districts were 15 stores. As we
- restructured, we went to another district.
- So it can vary in store count.
 - Q. So, I don't -- I don't quite follow.

You said that districts were 15 stores, but you were responsible for 18 to 12 20.

What's the reason for the variance there?

MR. LAVELLE: Object to form.

- 16 A. Depending on the -- over the four years, we covered different districts. So, my first district was 18 stores. My second district was 20 some-odd stores. My third district was in that range. So it's anywhere from a range of that district depending on the size.
 - Q. And, how often were you to audit the pharmacies that you were responsible

Page 39

- Department that also comes in and does 2 audits.
- 3 Q. Well, let's go through that.
- So, you said that you did 4
- audits, right?
- 6 A. That's correct.
- 7 Q. During that four-year time
- period, how many audits of pharmacies did 9 you do?
- 10 A. I couldn't give you an exact 11 number.
- 12 Q. More than ten?
- 13 A. More than ten.
- 14 Q. More than 50?

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- 15 A. I couldn't tell you.
- 16 Approximately how many?
- 17 MR. LAVELLE: Objection; asked 18 and answered.
- 19 A. I don't know if I can give you a concrete number. It was something that we 21 did routinely.
- 22 Q. How many pharmacies did you -were you responsible for?
 - A. Depends on the time in the

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- A. We had quarterly audits.
- Q. And, tell us everything you did in an audit of a pharmacy.
 - MR. LAVELLE: Object to form.

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- A. We would review the questions on the checklist and we'd insure compliance.
- We rated it depending on whether they were compliant or not.
- Q. What are the questions on a checklist? What's that reference to?
 - MR. LAVELLE: Object to form.
- A. As I mentioned before, it referenced business, service and some compliance and profitability pieces.
- Q. Focusing on the compliance part of that, what were the compliance areas that you were to audit of your stores?
- A. Overall recordkeeping, making sure that we were processing recalls, they were doing their damages and outdates, making sure that they were completing the transfer paperwork correctly, making sure that our files were filed correctly, et

Page 42 ¹ cetera. didn't do all of these together; they only 2 Q. Did you audit for suspicious did one at a time. orders, or suspicious prescriptions, I Is that right? mean? A. It depended on their audit 5 MR. LAVELLE: Object to form. schedule. 6 A. We audited hard copy Q. What do you mean by their audit prescriptions. We audited to make sure schedule? that we had controls in place where we A. So, in order to make sure that were locking the safe. We audited the we are completing all different audits and control box. We audited the control making sure that we're doing the right invoices. So we audited a lot of audits, it -- they had different audits at 12 12 different times so that we can get to different things in relation to ordering. 13 Q. You said there was another every store and that we had it on the department, the Asset Protection calendar and that we knew that every store 15 Department, that also did audits. was at least routinely audited. 16 What did that department do? Q. In advance of asset protection 17 MR. LAVELLE: Object to form. coming in and auditing one of your stores, 18 A. The Asset Protection Department 18 did you know they were coming? 19 basically had their audits that were A. No. 20 either dictated by the Internal Assurance Q. How often did asset protection 21 Department, or they came in to do their audit your stores? 22 ²² checklist that was related to compliance, MR. LAVELLE: Objection; asked 23 23 risk and loss. and answered. 24 24 Q. You really haven't answered my They do quarterly audits also. Page 43 Page 45 question. So --2 I asked what did they actually Q. Of every store? 3 They do quarterly audits for do in their audit? 4 visit guides. They have different levels MR. LAVELLE: Object to form. 5 A. So, I couldn't tell you because for risk. So, they were always in the that wasn't an audit that I did, but I do stores. 7 know that they have a checklist that they Whether they were doing a reviewed when they were in the store specific audit at which specific time, I 9 different ones at different times. couldn't tell you. 10 Q. You later went to work in asset 10 Q. And there was a third department protection though, right? that you said that did audits as well. 12 You called it, I think, the assurance A. Correct. 13 13 Q. So you don't have any idea what department? 14 the asset protection audits included? A. The Internal Assurance 15 MR. LAVELLE: Object to form. 15 Department. 16 A. The Asset Protection Department 16 Q. And, what were their 17 17 audits included different ones depending responsibilities? 18 on which one. It was about protecting A. They -- they went and did a lot 19 their assets, whether it be in the front, of the different audits that the asset cash register, point of sale. If it's a protection did, but they were a --21 risk one, it can be different things from basically our internal assurance audit. 22 checking if the back door is locked. So separate from the field, they did the 23 same audits, see if we got the same Q. So, they did -- when asset protection came in and did an audit, they results.

Page 46 1 O. So, is Asset Protection ¹ different store count. I had Queens, Long 2 considered field? Island. Then I had Brooklyn. So those 3 were realignments. A. Asset Protection, yes. Q. And, your -- your LinkedIn page 4 Q. And the Internal Assurance says your next position was as director of Department is not field, right? pharmacy loss prevention. 6 A. They work for headquarters. 7 So, internal assurance is an Is that correct? 0. 8 audit function that is run out of A. Yes. headquarters, right? Q. And it says you had that 10 A. Yes. position from August 2011 to October 2014, 11 11 correct? And this Asset Protection is not O. 12 12 a headquarters operation? A. Yes. 13 A. They are field leaders. They 13 Q. Or, so, three years, three months, correct? are considered part of the district field team. They do report up to Asset 15 A. Yes. 16 Protection, that reports up to Internal Q. And it says that you were 17 Assurance, but they're one of our field working out of Camp Hill, Pennsylvania? 18 partners. 18 A. Yes. 19 19 That's the company's Q. I failed to ask you this Ο. headquarters, right? earlier, I think, that when you became a district manager, where were you working A. Yes. 22 Q. So that was your physical out of? 23 location where your office was? A. I had initially the Queens, Long Island market, and then I had the Brooklyn A. Yes. Page 47 Page 49 market after that. Q. What were your responsibilities as director of pharmacy loss prevention? Q. Okay. But where was your office 3 physically located? A. To assist the asset protection 4 A. We had an office in Flushing and district managers in training and learning

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we had an office in Brooklyn on Nostrand Avenue.

7 Q. Is that where you worked all four years?

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9 A. Most of my work is in the field, meaning we were in stores and in sites.

We hardly spent time in the office. 12

Q. Okay. My question was a little bit different.

Did, as district manager, did you always work out of that same district that you described?

MR. LAVELLE: Object to form. BY MR. SIMMER:

Q. In other words, did you get realigned to any other location during 21 that time period? 22

MR. LAVELLE: Same objection.

23 A. I've already said we realigned several times with different markets,

the systems for field investigations. We also worked closely with the different departments in the company to insure

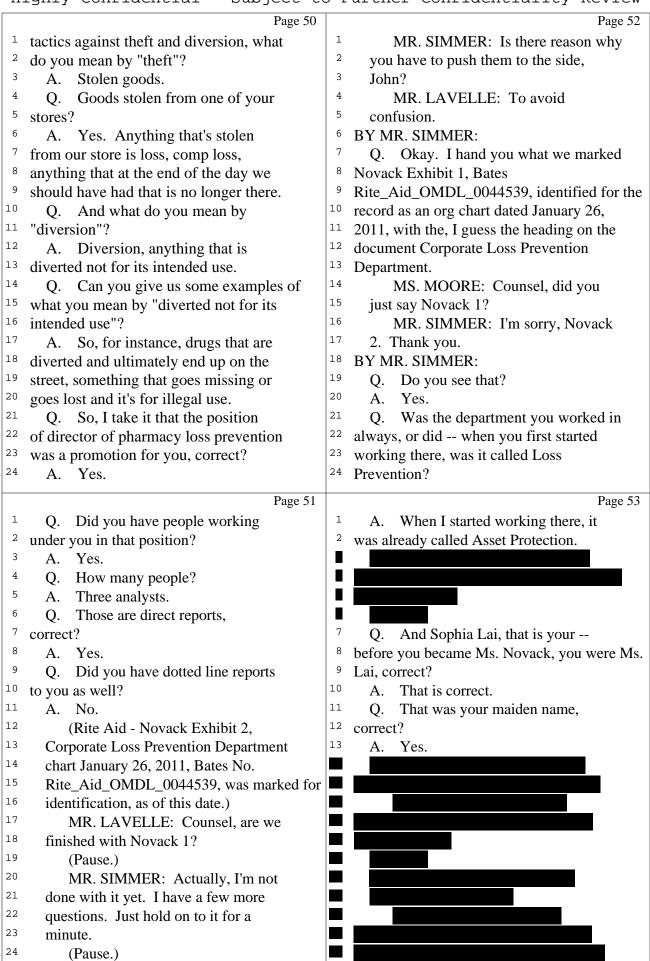
compliance and different ways to review

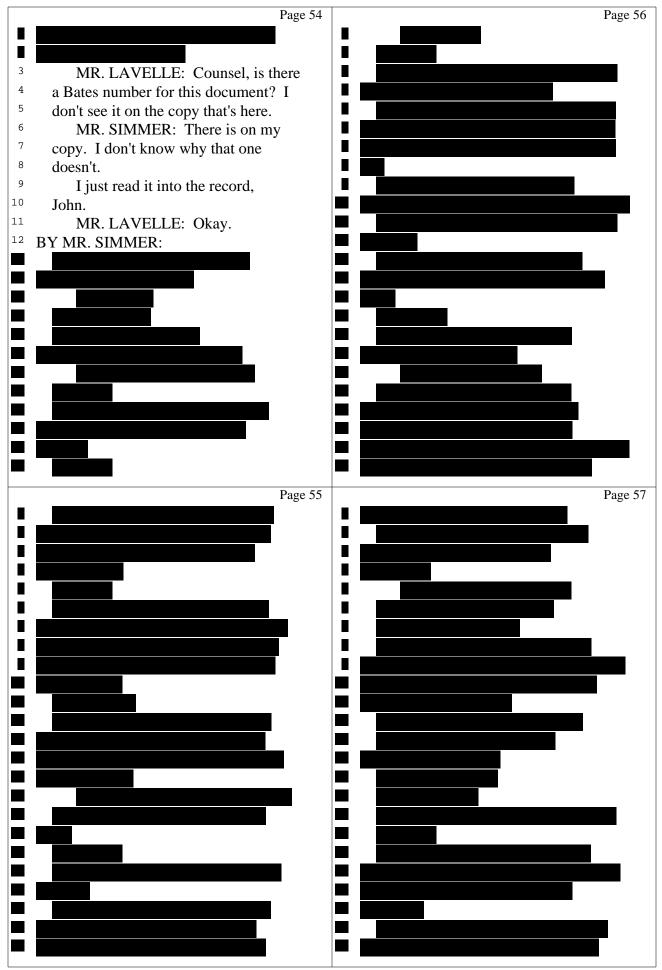
analytics so that we can improve our 10 tactics against theft and diversion.

Q. So, what is -- what are asset protection district managers doing?

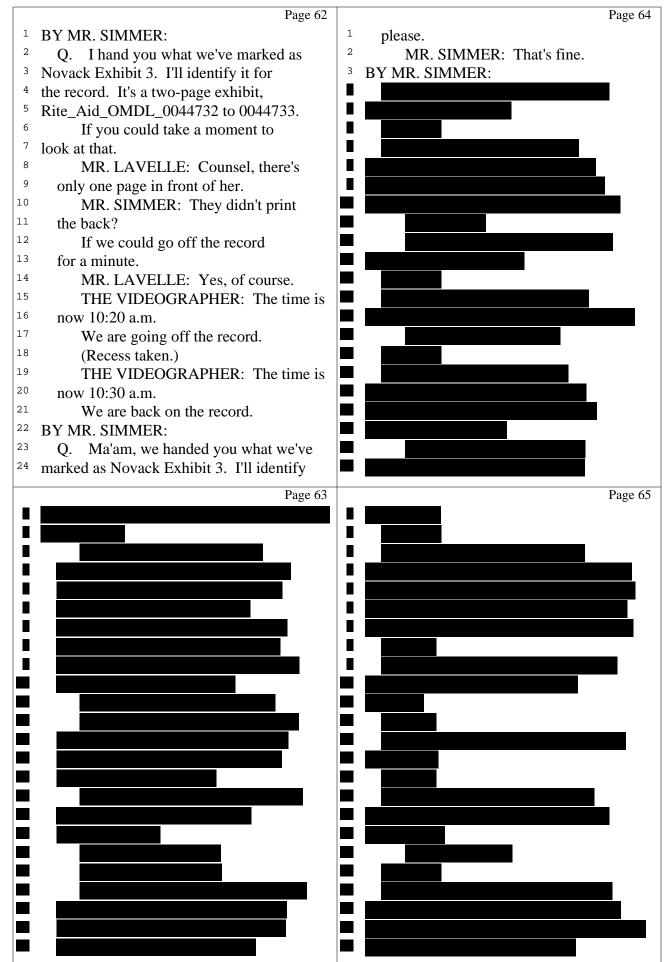
13 A. They are part of the field team. They are district managers that really help us protect our assets in the field. They do shrink investigations. They do drug loss investigations. They do all different types of investigations while they are also helping with maintaining compliance and safety.

Q. Just so we're on the same page, when you say that the -- you were to insure compliance in different ways to review analytics so that you could improve

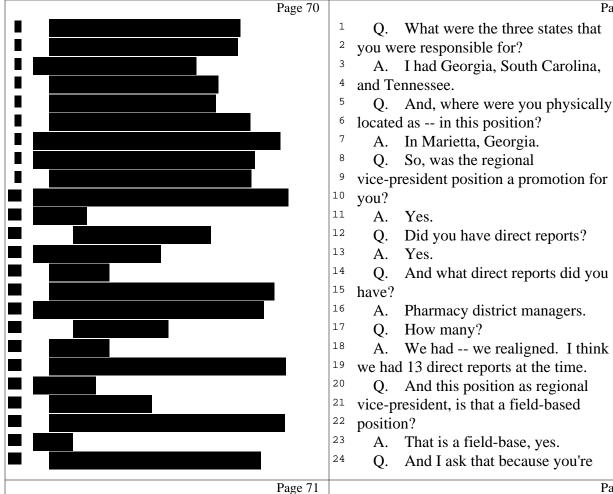












Q. Okay. You can set that aside.

2 Go back to your résumé for a 3 moment, if we could.

So, the next thing on your résumé is that your next position in October of 2014 became a regional

7 vice-president.

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What were your responsibilities?

MR. LAVELLE: Object to form.

10 A. As a regional vice-president, I basically oversaw multiple districts 12 within three different states.

Q. Are you no longer in Asset Protection at this point?

- A. No longer in Asset Protection.
- Q. And you're a regional 16
- 17 vice-president of pharmacy, correct?
- 18 Yes. Α.
- 19 Q. So you didn't have any of the front of the store responsibilities as a 21 regional VP, correct?
- 22 A. I had a partner that was responsible for that, a regional vice-president.

not working out of the corporate office

Page 72

Page 73

any longer, correct?

A. Correct.

Q. And, what did you actually do as

the vice-president -- regional

vice-president?

A. We trained and mentored our pharmacy district managers to insure

operations in the stores that they

oversaw, which ultimately rolled up to our region, over 300 stores at the time.

Q. Did you have P&L responsibility?

13 A. Yes.

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Q. And that would be for the 13

15 districts that were under you?

A. Yes. It's a region --16 17 Q. And ultimately for the

18 pharmacies that were under them, correct?

19 A. Yes.

20 Q. And again, that's only the 21 pharmacy side of those stores, correct?

A. It's one P&L, but I was responsible for the pharmacy contributions.

Golkow Litigation Services

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	Page 74		Page 76
1	Q. And then your partner was	1	district manager position you took in
2	responsible for the the rest of the	2	September 2016, did that have the same
3	contribution, correct?	3	duties as when you had been pharmacy
4	A. Yes.	4	district manager back in February 2007 to
5	Q. Is there a term for what the	5	August 2011?
6	rest of that function is called?	6	A. Similar. The position has
7	A. Just store operations.	7	evolved a bit, but overall, direct store
8	Q. Okay. You had that position for	8	responsibility for multiple pharmacies,
9	two years and then you became then, in	9	yes.
10	September 2016, a pharmacy district	10	Q. And, how many pharmacies are you
11	manager.	11	responsible for, or were you responsible
12	Do you see that?	12	for? Excuse me.
13	•	13	A. In that market, 17.
14	Q. And that was in September 2016,	14	Q. And the next position you
15	- ·	15	have actually, it looks like you left
16	A. Yes.	16	the company in February 2018.
17	Q. And you held that position for	17	Do I have that right?
18	• •	18	A. I was actually acquired through
19	•	19	an asset purchase through Walgreens
20	Q. And that was in Clifton, New	20	acquiring the Rite Aid stores. So my
21		21	employment had transitioned over in
22	•	22	February.
23	Q. Is that a promotion for you?	23	Q. You were actually acquired; is
24		24	that right?
	Page 75		Page 77
1	Page 75 O You stopped down; is that	1	Page 77
1 2	Q. You stepped down; is that	1 2	A. Yes.
2	Q. You stepped down; is that correct?	2	A. Yes.Q. It's like a baseball player
3	Q. You stepped down; is that correct? A. Yes.	2	A. Yes.Q. It's like a baseball player getting acquired.
3	Q. You stepped down; is that correct?A. Yes.Q. Was that a voluntary move on	2 3 4	A. Yes.Q. It's like a baseball player getting acquired.A. I feel like I was drafted.
2 3 4 5	Q. You stepped down; is that correct?A. Yes.Q. Was that a voluntary move on your part?	2 3 4 5	 A. Yes. Q. It's like a baseball player getting acquired. A. I feel like I was drafted. Q. So they acquired the stores that
2 3 4 5	Q. You stepped down; is that correct?A. Yes.Q. Was that a voluntary move on your part?A. Yes.	2 3 4	 A. Yes. Q. It's like a baseball player getting acquired. A. I feel like I was drafted. Q. So they acquired the stores that you were managing.
2 3 4 5 6	Q. You stepped down; is that correct? A. Yes. Q. Was that a voluntary move on your part? A. Yes. Q. Why?	2 3 4 5 6	 A. Yes. Q. It's like a baseball player getting acquired. A. I feel like I was drafted. Q. So they acquired the stores that you were managing. Is that right?
2 3 4 5 6 7	 Q. You stepped down; is that correct? A. Yes. Q. Was that a voluntary move on your part? A. Yes. Q. Why? A. Relocated back for family so 	2 3 4 5 6 7	 A. Yes. Q. It's like a baseball player getting acquired. A. I feel like I was drafted. Q. So they acquired the stores that you were managing. Is that right? A. Yes.
2 3 4 5 6 7 8	Q. You stepped down; is that correct? A. Yes. Q. Was that a voluntary move on your part? A. Yes. Q. Why? A. Relocated back for family so that I could start a family of my own.	2 3 4 5 6 7 8	 A. Yes. Q. It's like a baseball player getting acquired. A. I feel like I was drafted. Q. So they acquired the stores that you were managing. Is that right? A. Yes. Q. So, did your responsibilities
2 3 4 5 6 7 8 9	Q. You stepped down; is that correct? A. Yes. Q. Was that a voluntary move on your part? A. Yes. Q. Why? A. Relocated back for family so that I could start a family of my own. Q. I think we you got married at	2 3 4 5 6 7 8 9	 A. Yes. Q. It's like a baseball player getting acquired. A. I feel like I was drafted. Q. So they acquired the stores that you were managing. Is that right? A. Yes. Q. So, did your responsibilities change when you became a Walgreens
2 3 4 5 6 7 8	Q. You stepped down; is that correct? A. Yes. Q. Was that a voluntary move on your part? A. Yes. Q. Why? A. Relocated back for family so that I could start a family of my own. Q. I think we you got married at some point along the way; is that correct?	2 3 4 5 6 7 8	 A. Yes. Q. It's like a baseball player getting acquired. A. I feel like I was drafted. Q. So they acquired the stores that you were managing. Is that right? A. Yes. Q. So, did your responsibilities change when you became a Walgreens employee?
2 3 4 5 6 7 8 9 10 11	Q. You stepped down; is that correct? A. Yes. Q. Was that a voluntary move on your part? A. Yes. Q. Why? A. Relocated back for family so that I could start a family of my own. Q. I think we you got married at some point along the way; is that correct? A. I got married when I was in	2 3 4 5 6 7 8 9 10 11	 A. Yes. Q. It's like a baseball player getting acquired. A. I feel like I was drafted. Q. So they acquired the stores that you were managing. Is that right? A. Yes. Q. So, did your responsibilities change when you became a Walgreens employee? A. No. We're currently still
2 3 4 5 6 6 7 8 9 10 11 12 13	Q. You stepped down; is that correct? A. Yes. Q. Was that a voluntary move on your part? A. Yes. Q. Why? A. Relocated back for family so that I could start a family of my own. Q. I think we you got married at some point along the way; is that correct? A. I got married when I was in headquarters, and then we had a baby about	2 3 4 5 6 7 8 9 10 11 12 13	A. Yes. Q. It's like a baseball player getting acquired. A. I feel like I was drafted. Q. So they acquired the stores that you were managing. Is that right? A. Yes. Q. So, did your responsibilities change when you became a Walgreens employee? A. No. We're currently still operating under the Rite Aid structure.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15	Q. You stepped down; is that correct? A. Yes. Q. Was that a voluntary move on your part? A. Yes. Q. Why? A. Relocated back for family so that I could start a family of my own. Q. I think we you got married at some point along the way; is that correct? A. I got married when I was in headquarters, and then we had a baby about a year-and-a-half ago. Q. Okay. Congratulations. A. Thank you.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. Yes. Q. It's like a baseball player getting acquired. A. I feel like I was drafted. Q. So they acquired the stores that you were managing. Is that right? A. Yes. Q. So, did your responsibilities change when you became a Walgreens employee? A. No. We're currently still operating under the Rite Aid structure. We haven't converted our stores yet. Q. And, so, the labels on the stores that you manage are still Rite Aid,
22 33 44 55 66 77 88 99 100 111 122 133 144 155	Q. You stepped down; is that correct? A. Yes. Q. Was that a voluntary move on your part? A. Yes. Q. Why? A. Relocated back for family so that I could start a family of my own. Q. I think we you got married at some point along the way; is that correct? A. I got married when I was in headquarters, and then we had a baby about a year-and-a-half ago. Q. Okay. Congratulations. A. Thank you. Q. So, in 2016, you made a family	2 3 4 5 6 7 8 9 10 11 12 13 14 15	A. Yes. Q. It's like a baseball player getting acquired. A. I feel like I was drafted. Q. So they acquired the stores that you were managing. Is that right? A. Yes. Q. So, did your responsibilities change when you became a Walgreens employee? A. No. We're currently still operating under the Rite Aid structure. We haven't converted our stores yet. Q. And, so, the labels on the stores that you manage are still Rite Aid, correct?
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22 33 44 55 66 77 88 99 100 111 122 133 144 155 166 177 188	Q. You stepped down; is that correct? A. Yes. Q. Was that a voluntary move on your part? A. Yes. Q. Why? A. Relocated back for family so that I could start a family of my own. Q. I think we you got married at some point along the way; is that correct? A. I got married when I was in headquarters, and then we had a baby about a year-and-a-half ago. Q. Okay. Congratulations. A. Thank you. Q. So, in 2016, you made a family decision that you would step down your responsibilities and move back to New Jersey.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. Yes. Q. It's like a baseball player getting acquired. A. I feel like I was drafted. Q. So they acquired the stores that you were managing. Is that right? A. Yes. Q. So, did your responsibilities change when you became a Walgreens employee? A. No. We're currently still operating under the Rite Aid structure. We haven't converted our stores yet. Q. And, so, the labels on the stores that you manage are still Rite Aid, correct? A. Yes. Q. But you're actually a Walgreens employee?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. You stepped down; is that correct? A. Yes. Q. Was that a voluntary move on your part? A. Yes. Q. Why? A. Relocated back for family so that I could start a family of my own. Q. I think we you got married at some point along the way; is that correct? A. I got married when I was in headquarters, and then we had a baby about a year-and-a-half ago. Q. Okay. Congratulations. A. Thank you. Q. So, in 2016, you made a family decision that you would step down your responsibilities and move back to New Jersey. Is that do I have it right?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. Yes. Q. It's like a baseball player getting acquired. A. I feel like I was drafted. Q. So they acquired the stores that you were managing. Is that right? A. Yes. Q. So, did your responsibilities change when you became a Walgreens employee? A. No. We're currently still operating under the Rite Aid structure. We haven't converted our stores yet. Q. And, so, the labels on the stores that you manage are still Rite Aid, correct? A. Yes. Q. But you're actually a Walgreens employee? A. Yes.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. You stepped down; is that correct? A. Yes. Q. Was that a voluntary move on your part? A. Yes. Q. Why? A. Relocated back for family so that I could start a family of my own. Q. I think we you got married at some point along the way; is that correct? A. I got married when I was in headquarters, and then we had a baby about a year-and-a-half ago. Q. Okay. Congratulations. A. Thank you. Q. So, in 2016, you made a family decision that you would step down your responsibilities and move back to New Jersey. Is that do I have it right? A. Yes. We moved back to New York.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. Yes. Q. It's like a baseball player getting acquired. A. I feel like I was drafted. Q. So they acquired the stores that you were managing. Is that right? A. Yes. Q. So, did your responsibilities change when you became a Walgreens employee? A. No. We're currently still operating under the Rite Aid structure. We haven't converted our stores yet. Q. And, so, the labels on the stores that you manage are still Rite Aid, correct? A. Yes. Q. But you're actually a Walgreens employee? A. Yes. Q. So, other than sort of what we
22 33 44 55 66 77 88 99 100 111 122 133 144 155 166 177 188 199 200 211 222	Q. You stepped down; is that correct? A. Yes. Q. Was that a voluntary move on your part? A. Yes. Q. Why? A. Relocated back for family so that I could start a family of my own. Q. I think we you got married at some point along the way; is that correct? A. I got married when I was in headquarters, and then we had a baby about a year-and-a-half ago. Q. Okay. Congratulations. A. Thank you. Q. So, in 2016, you made a family decision that you would step down your responsibilities and move back to New Jersey. Is that do I have it right? A. Yes. We moved back to New York. My responsibility was in New Jersey.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Yes. Q. It's like a baseball player getting acquired. A. I feel like I was drafted. Q. So they acquired the stores that you were managing. Is that right? A. Yes. Q. So, did your responsibilities change when you became a Walgreens employee? A. No. We're currently still operating under the Rite Aid structure. We haven't converted our stores yet. Q. And, so, the labels on the stores that you manage are still Rite Aid, correct? A. Yes. Q. But you're actually a Walgreens employee? A. Yes.

Page 78 ¹ Walgreens employee in February 2018? you what we marked as Novack Exhibit 8. A. There haven't been any changes Again the printing service cut off the in function. We are still operating the Bates numbering, so I'll read it into the same stores with the same systems and the record as Rite Aid OMDL 037355 through same everything. 37371. And we've put it up on the screen Q. Okay. Have you gone through any too. kind of retraining or -- when you became a 7 MR. LAVELLE: Counsel, you said 8 Walgreens employee? Exhibit 8, but it's been marked by the 9 9 MR. LAVELLE: Object to form. court reporter as 4. 10 10 A. We have not gone through any MR. SIMMER: I'm sorry. I said training until we have a conversion 11 8? I meant 4. 12 schedule. So, once we are ready to 12 You didn't read my mind, John. convert our systems, we will go through 13 Come on. 14 that timelines training -- timeline MR. LAVELLE: I just want to 15 make sure the record is clear. 15 training. O. By conversion schedule, you mean 16 BY MR. SIMMER: 17 17 actually for these to be physically made O. Take a moment and look at that into Walgreens drug stores? 18 document, if you would. 19 19 A. Yes. MR. LAVELLE: I'll just note, 20 20 while the witness is looking at this Q. Okay. Does your husband still 21 21 work for Rite Aid? document, that it's another one where 22 22 A. No. the Bates number is not on the copy 23 23 Q. Does he work for Walgreens as that's in front of her. So we'll need 24 24 to substitute, as we discussed well? Page 79 Page 81 1 A. No. 1 earlier. Q. Where is he working now? 2 2 MR. SIMMER: I think I said the 3 A. He works at H & M. 3 same thing. 4 4 Q. How long did he work for MR. LAVELLE: Right. Rite Aid? BY MR. SIMMER:

- 6 A. I don't know exactly, but over 20-plus years through multiple acquisitions. 9 Q. Was he always in Asset 10 Protection? 11 A. For Rite Aid? 12 Q. Yes, ma'am. 13 A. I don't know. When I met him, he was in Asset Protection. I don't know 15 if he was always with Asset Protection. 16 Q. Okay. You can set that aside. 17 (Rite Aid - Novack Exhibit 4, 18 e-mail dated January 25, 2012, with 19 attachment, Bates No. 20 Rite_Aid_OMDL_037355 to 21 Rite_Aid_OMDL_037371, was marked for 22 identification, as of this date.)

Q. The court reporter is handing

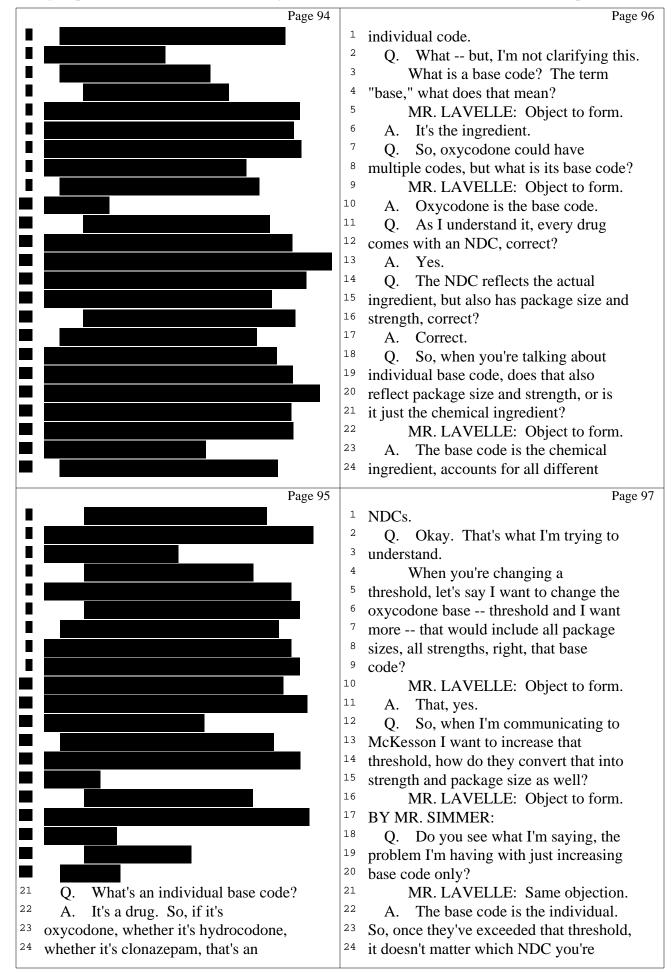
BY MR. SIMMER:

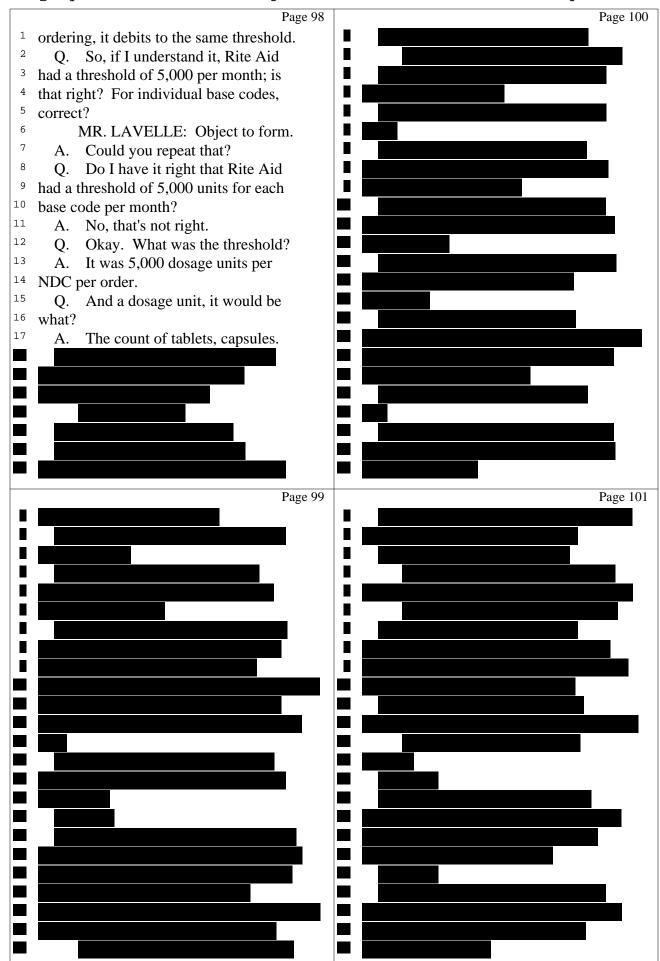
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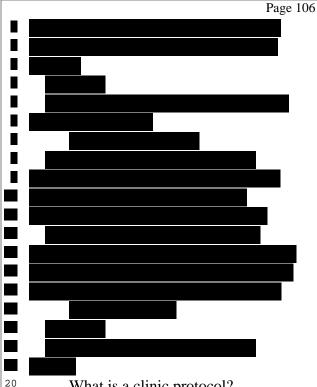


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What is a clinic protocol?

A. A clinic protocol is something we designed for our store teams to go through when they are requesting for a

threshold increase that we need some more

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information on.

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Q. Is that an actual document or a 3 online procedure they're supposed to 4 follow?

- A. It's an actual document.
- 6 O. Where is that housed?
- 7 A. We send it out to them
- individually each time we need a clinic 9 protocol done.
- 10 Q. And, what is the document 11 called?
 - A. Clinic protocol.
- 13 Q. And, are these retained by the company?
- 15 A. Yes.
 - Q. And, where are they retained?
- A. In the Government Affairs 17
- 18 Department.
 - Q. So, every time a threshold
- increase is requested, the -- the store --
- excuse me. The pharmacy manager, and then
- in turn the district manager, have to complete the form; is that correct?
- 24 MR. LAVELLE: Object to form.

A. It is determined based off of the request.

- Q. What do you mean by that?
- A. So, upon a second request or upon a request that does not seem -- that
- we need additional information on to
- determine that there is a legitimate
- business need or a patient need, we will
- send out a clinic protocol to that store and that store team.
 - Q. Okay. So, the clinic protocol is not something routinely required. It's only if the Asset Protection people feel it's necessary, correct?
 - A. Yes.
 - Q. And, what are the circumstances under which Asset Protection would require the clinic protocol to be completed?
 - A. We go through a lot of different analytics to review the base business, the reason for the business and to review doctors. We utilize our KPIs and also IMS data to feed a lot of that information. If it was something simplistic, like we

Page 109

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- purchased a independent pharmacy and their
 - files are coming and we're increasing our
 - overall business by 60 percent, then we
 - can look at our dispensing history. But
 - if there was no external reason for this
 - increase in demand, then we would do our
 - due diligence.
 - Q. And that's when you would request the clinic protocol form to be 10 completed?
 - A. Yes.

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- 12 Q. And you do the analytics in 13 every instance?
 - A. For a threshold increase, yes.
- 15 Q. You said you review the business 16 business.

What is that?

- A. We review the business needs.
- 19 Q. Business need. I'm sorry. 20 What is business need?
 - A. Our patients that come in through our door that have prescriptions for legitimate need, medical need.
 - Q. So, when you say you review the

Page 110

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patients that come through our door to determine if there's a legitimate need,

what do you actually do to determine that?

- A. You asked what business needs meant. So that's what I meant by business needs.
- Q. Is that something you do in every instance, look at the patient need?

 MR. LAVELLE: Object to form.

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- A. For any threshold increase, we do review the full base business before we recommend or request a threshold increase.
- Q. You said you also review the doctors, correct?
- A. We review the prescribers that
 drive some of the -- or their top
 prescribers in the base code for that
 store.
 - Q. And how do you do that?
 - A. We run our dispensing history.
- Q. And then when you say you review them, what do you do?
- A. We pull up the information. We look at what the dosage units are that

information?

- A. From our dispensing information.
- We give them a data feed of all of ourtransactions.
- Q. So, a performance indicator is a what? What is that?

MR. LAVELLE: Object to form.

Page 112

Page 113

- A. A performance indicator are
 different metrics that we've identified
 that, if there was an anomaly, could lead
 us to suspicious activity.
 - Q. And what do you mean by metrics that you've identified? What are they?

 MR. LAVELLE: Object to form.
 - A. There's a lot of different ones that are in the system. We track cycle countdowns. We track order adjustments.
- We track number of manual orders that are placed. We track dispensing information.
- ²⁰ We track if anything has been sold and
- then resold or deleted. So, a lot of
- ²² different information that feeds in and we
- ²³ can look at it.
 - Q. I take it that what you are

Page 111

- they are dispensing, how many
- ² prescriptions, how many patients, are they
- ³ also dispensing other medications that are
- ⁴ non-controlled. Then we look at their
- ⁵ disciplines for our top doctors through
- ⁶ IMS, check for their DEA registration,
- ⁷ make sure that they have prescribing
- ⁸ authority for controlled substances. We
- ⁹ check to make sure that they have an
- ¹⁰ active license. We check to see what
- ¹ their profession is to make sure that it
- 12 is within their prescribing rights.
- Q. You also said you utilize your KPIs.

What is that?

internal issue.

- A. In Naviscript we have a lot of key performance indicators that allow us to review the business and if there's any instance of diversion in our stores. So, before we increase a threshold, we make sure we don't have any indication of an
- ²³ Q. So, this Naviscript third party ²⁴ vendor program, where do they get their

doing in Asset Protection, you're using the dispensing data for that purpose?

3 A. Yes. Dispensing data and

transaction data from inventory and we're using transaction data from our point of

sale system.Vou

Q. You said that you track cycle countdowns.

What is that?

¹⁰ A. Any time an on-hand adjustment ¹¹ is down.

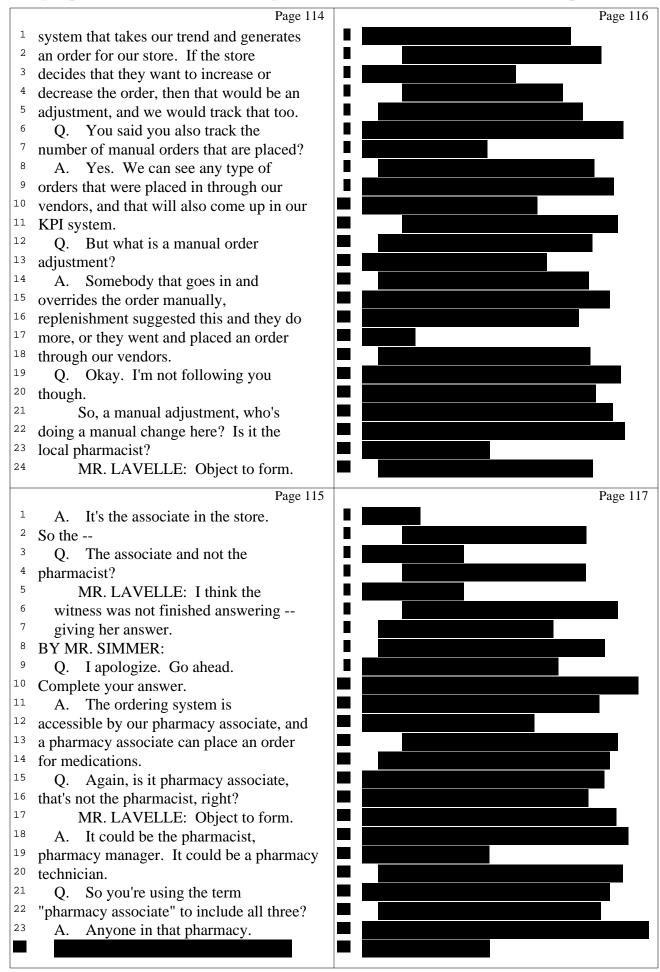
We actually track all cycle counts, whether it's up or down.

Q. Still don't follow what you mean by an on-hand adjustment.

MR. LAVELLE: Object to form.

- A. If our inventory system shows that we should have one cup and I go to the shelf and I don't have one cup, I put zero because I don't physically have it.
- ²¹ That's considered an on-hand adjustment.
- It's a cycle counting down.

 O What's an order adi
- Q. What's an order adjustment?
 - A. We have an auto replenishment

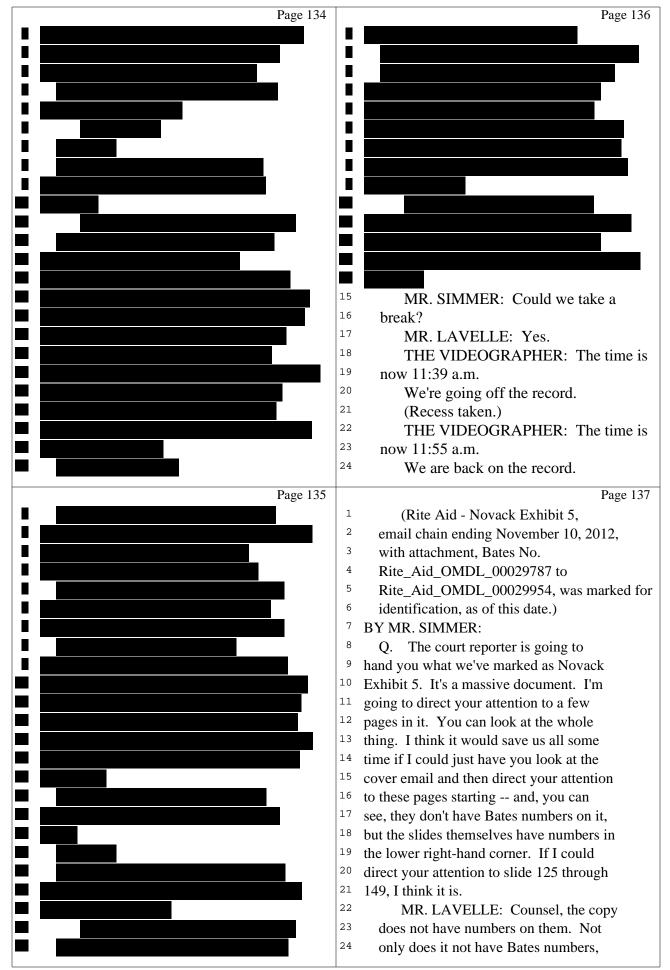


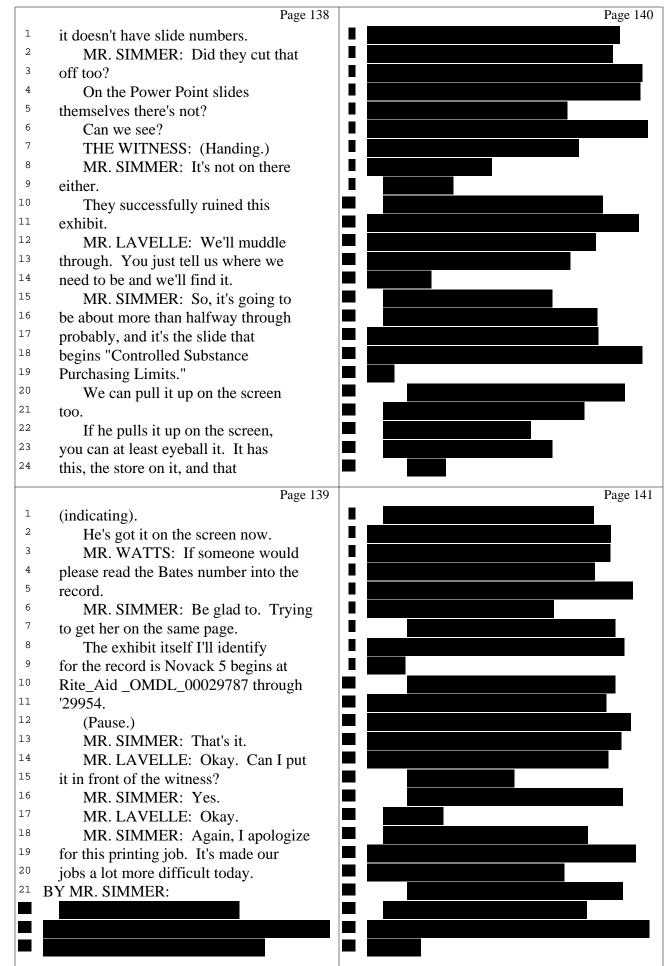








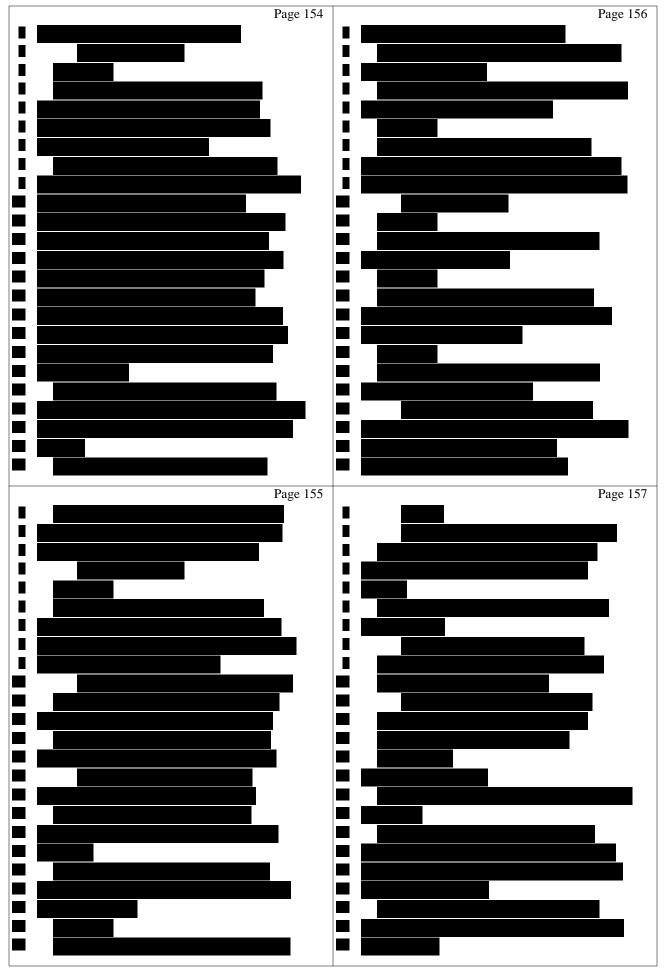












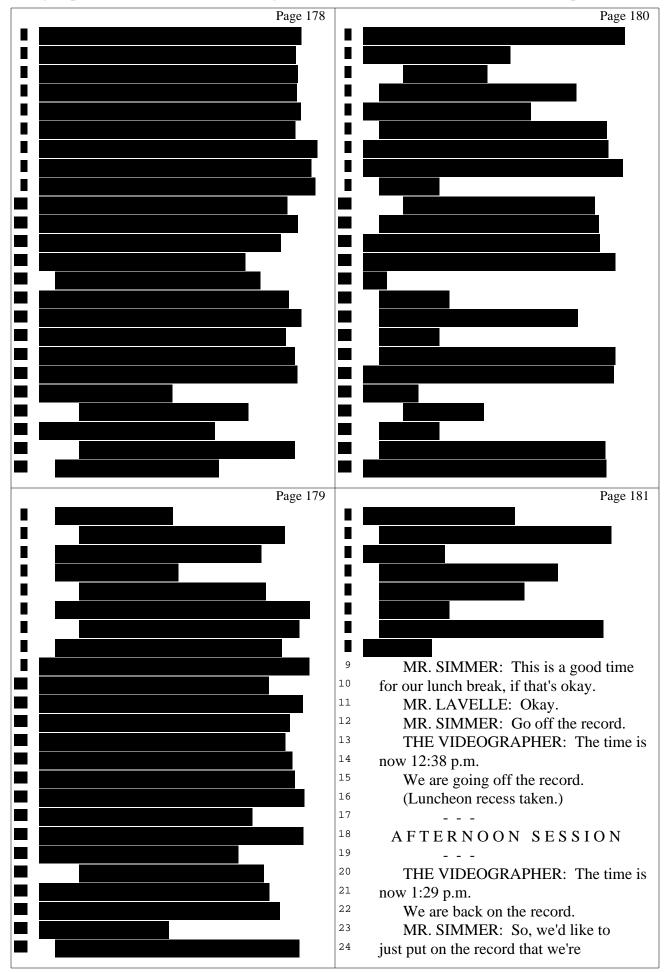












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examination.

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1 going to be using a few exhibits that 2 actually came out of the McKesson 3 production, and this is something 4 that's been a regular subject in other depositions.

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And the protocol we would suggest is this. And this is dealt with in CMO-2 33(h). That to the extent that the deponent authored, prepared or previously reviewed or received the information, it can be used in a deposition even though it came out of another defendant's production.

So, our proposal is that for these exhibits, and they're all McKesson exhibits, no other defendant, we'll send them to McKesson's counsel. And those communications or exhibits where Ms. Novack is on the entire email string, we propose to introduce that exhibit into evidence without any changes whatsoever, but some of the exhibits the parties -- the McKesson

interest that the document be

introduced, but we are where we are.

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3 So I'm happy to take a look at those 4

documents and I will lodge any objections for the record.

MR. SIMMER: And for the record, we have just sent you those documents. If you want us to go off the record right now so you can review those documents and you can come back on and make your objections, or we can continue on with the questioning and you can lodge your objection as to each exhibit as it's entered into the

MS. CHARLES: Well, I agree with your reading of the CMO as it relates to documents where Ms. Novack is on. So I'm happy for you -- I don't want to hold up everyone's day. So I'm happy for you to proceed.

And as for the documents where you've made redactions, I will have to take a look and I'll email your

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1 employees then go on and have a 2

back-and-forth interchange in which

3 Ms. Novack was not included. How 4

we've handled that is to simply redact 5 all of that in the spirit of the

6 CMO 33(h).

> So, if there are any concerns about that, we'd like to go ahead and get that on the record now. If that proposal is acceptable, get that on the record as well.

MS. CHARLES: So, this is Amber Charles for McKesson Corporation.

I will note that our understanding of the CMO is that for documents where Ms. Novack does not appear, we should have been granted an opportunity several days ago to review those documents and essentially allow their use in an unredacted format. There may well be, I haven't seen the documents, but there well may be an interest of completeness.

You know, it is in McKesson's

colleague back. I think that might be the sufficient way.

MR. SIMMER: Okay. Let's proceed that way. And if, for some reason, you have concerns, we can deal with that at the time.

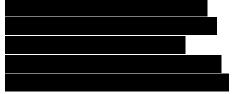
MS. CHARLES: Right.

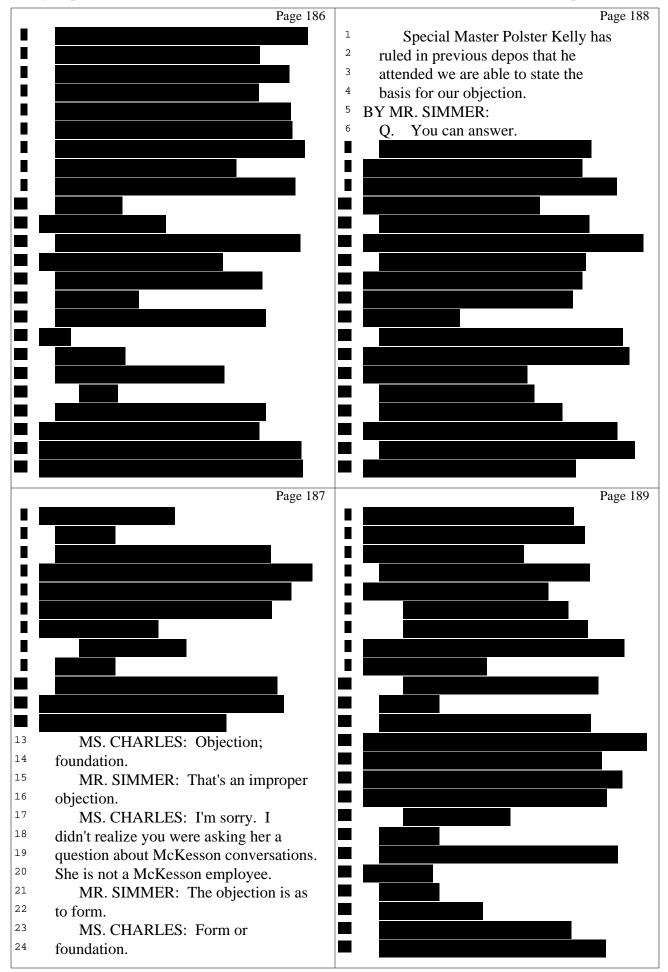
(Rite Aid - Novack Exhibit 6, email chain ending September 16, 2011, Bates No. MCK_MDL_00632923 to MCK_MDL_00632925, was marked for identification, as of this date.)

BY MR. SIMMER:

Q. The court reporter is handing you what she has marked as Novack Exhibit 6.

MR. SIMMER: I'll identify it for the record as MCK_MDL_00632923 through '632925. And for the record

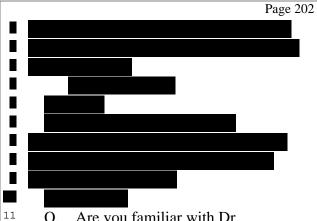












- Q. Are you familiar with Dr.
- 12 Harper? 13
 - A. Not personally.

14 (Rite Aid - Novack Exhibit 7, 15 pleading in Case No. 5-14CR096, was 16 marked for identification, as of this 17 date.)

18 BY MR. SIMMER:

19 Q. I'll identify for the record that the court reporter has handed you

21 Exhibit 7, Novack 7. It's a pleading

22 styled United States of America versus

Adolph Harper, Junior, et al. The -- this

is Case No. 5-14CR096. The time stamp is

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A. I don't recall the specific

situation. I may have heard of something

about this, but didn't recall the name of

the doctor.

Q. I direct your attention to page

8, paragraph 21 under the offense. See where it says: Beginning at least on or

about September 1, 2009 and continuing

through on or about May 18, 2012, the

exact dates to the grand jury unknown, in

the Northern District of Ohio, Eastern

12 Division, Adolph Harper, Junior, Adria

Harper, Patricia Laughman and Tequila Barry, the defendants herein, and others

known and unknown to the grand jury, did

unlawfully, knowingly and intentionally

17 combine, conspire, confederate and agree

18 together and with each other, and with

diverse others known and unknown to the

grand jury, to knowingly and intentionally

distribute and dispense oxycodone,

oxymorphone, methadone and amphetamines,

Schedule II controlled substances,

buprenorphine, hydrocodone, Schedule III

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March 25th, 2014. The document is -- it's

an indictment and it's 36 pages long.

Have you seen this before?

4 A. No, I have not.

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Q. Refresh your recollection about Dr. Harper?

7 A. I don't recall seeing this.

8 Q. Let me read you just from the

introduction section, paragraph number 1:

From on or about September 1, 2009 and

¹¹ continuing through on or about May 18,

2012, the defendants, Adolph Harper,

¹³ Junior, Adria Harper, Patricia Laughman,

¹⁴ Tequila Barry, and others, (collectively 15 the Harper Drug Trafficking Organization

or "Harper DTO") agreed to illegally

17 distribute hundreds of thousands of doses

of prescription painkillers to customers

19 located in the Northern District of Ohio 20 and elsewhere.

21 Do you see that? 22

A. Yes.

23 Q. Have you ever heard of this

24 before? controlled substances, and alprazolam and

zolpidem, Schedule IV controlled

substances, outside the usual course of

professional practice and not for a

legitimate medical purpose, contrary to and in violation of Title 21, U.S. Code

Sections 841(a)(1), (b)(1)(C), (b)(1)(E),

and (b)(2) and 846.

Do you see that?

10 MR. LAVELLE: Object to form.

11 A. Yes. 12

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Q. Have you ever heard of this before?

A. These sections?

Q. This description about Dr.

Harper and his confederates? 16

A. No.

Q. I direct your attention to paragraph 25.

On the top of page 10: It is further part of the conspiracy that Adolph Harper, Junior distributed "prescription" to customers who he knew had tested positive for illegal controlled substances

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during the customer's appointment. 2 Did I read that correctly? 3 Yes.

Q. Did you hear of this before?

A. No.

5 6 Q. Paragraph 26: It was further part of the conspiracy that Adolph Harper, Junior distributed prescriptions -- excuse me. Quote, prescription, close quote, for controlled substances to customers after he learned that the customer had overdosed on controlled substances. 12

Did you see that?

A. I see that here.

Q. Have you heard of this before?

16 A. No.

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17 Paragraph 26: It was further 0. 18 part of the conspiracy that Adolph Harper, Junior continued to distribute "prescriptions" for controlled substances

after he learned that some of his customers had died from overdose-related

23 deaths. 24

Do you see that?

A. No.

Q. Look at the next paragraph,

paragraph 32: It was further part of the

Page 208

Page 209

conspiracy that Adria Harper and Tequila

Barry completed patient treatment notes

for some of Harper DTO's customers before the customers arrived at the office for an

appointment.

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Do you see that?

A. Yes.

Q. Paragraph 33: It was further part of the conspiracy that members of the Harper DTO wrote the same diagnosis for

several of the Harper DTO's customers

regardless of the customer's

individualized medical needs.

Did you see that?

A. I see it here.

O. Paragraph 34: It was further part of the conspiracy that Adria Harper,

Patricia Laughman and Tequila Barry wrote

"prescriptions" for controlled substances

in their names and the names of their

friends and family members.

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A. Yes. 15

Q. Look at paragraph 31 at the bottom of the page: It was further part of the conspiracy that Harper DTO posted in Adolph Harper Junior's "medical" office a list of pharmacies that were likely to fill Adolph Harper, Junior's "prescriptions."

21 22 Did you see that?

23 A. Yes.

24

Have you heard of that before?

Do you see that?

MR. LAVELLE: Object to form.

A. I see it here.

Q. Have you heard of any of this prior to today?

A. No.

7 (Rite Aid - Novack Exhibit 8, 8 press release dated October 20, 2014, was marked for identification, as of 10 this date.)

BY MR. SIMMER:

12 Q. The court reporter has handed you what she's marked Exhibit 8. I'll identify it for the record as a press release from the United States Attorney's Office for the Northern District of Ohio dated October 20, 2014, a two-page document. The headline is "Akron Doctor Pleads Guilty to Illegally Prescribing 20 Painkillers." 21

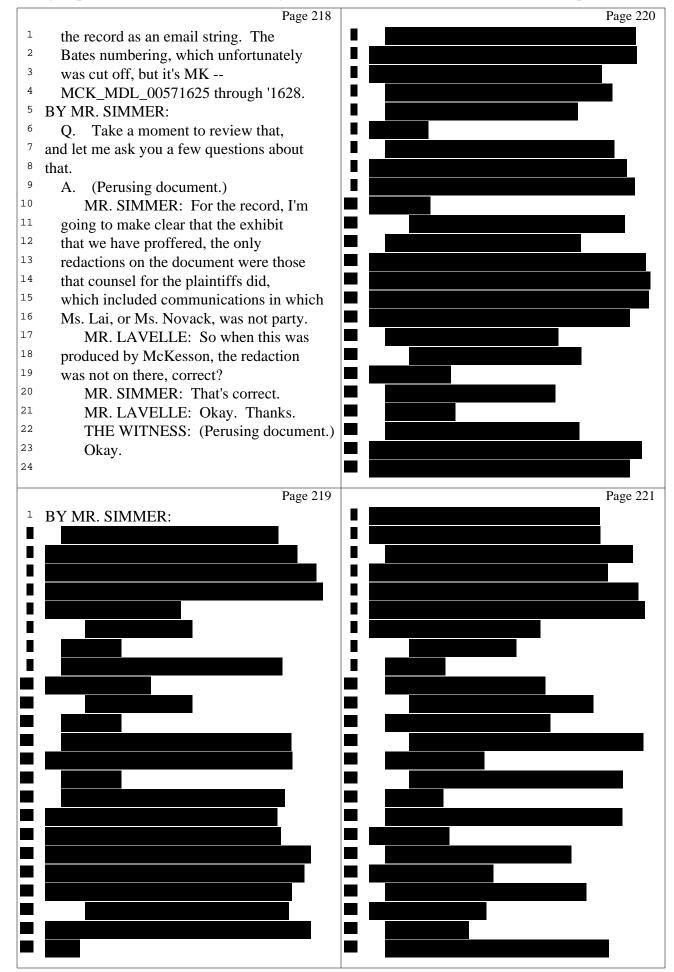
Do you see that?

22 A. Yes.

23 Q. Did you ever hear of Dr. Harper pleading guilty to illegally prescribing

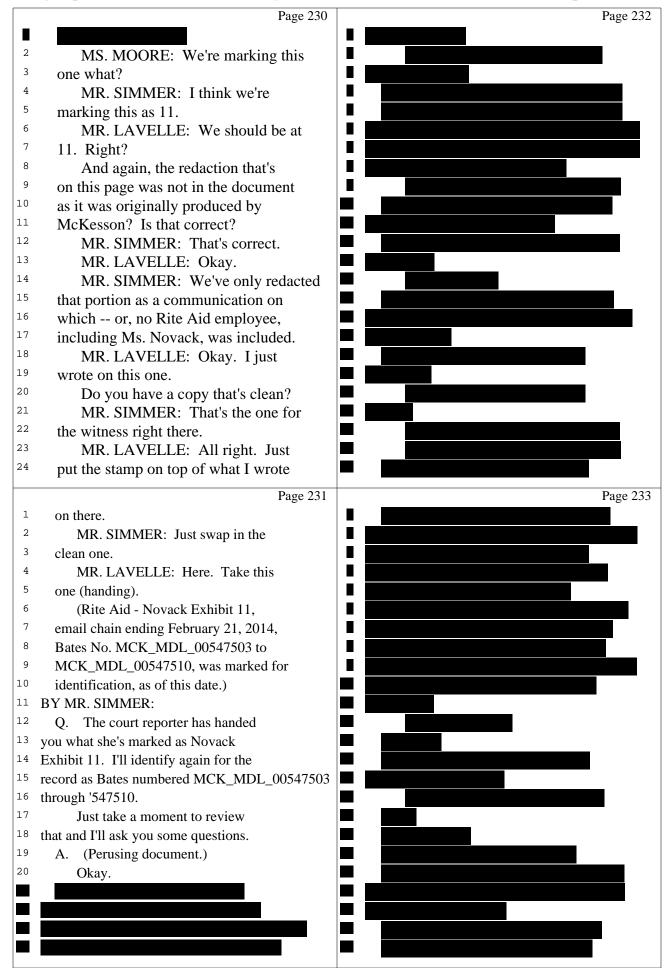
Page 210 Page 212 painkillers? ¹ article in the Cleveland.com dated, it's 2 MR. LAVELLE: Object to form. February 2015 -- February 13, 2015, 3 Objection; asked and answered. written by Eric Heisig entitled "Akron A. Not that I recall. 4 Doctor Who Illegally Prescribed 5 Painkillers Sentenced to Ten Years in Q. I direct your attention to the Prison." 6 fifth paragraph. 7 7 Do you see where it says: Have you ever heard of this Together they distributed hundreds of doctor getting sentenced to ten years in thousands of doses of prescription prison? 10 medications, including OxyContin, A. I don't recall this specific ¹¹ Percocet, Roxicet, Opana and others, from 11 doctor. 12 Adolph Harper's medical offices in Akron Q. Let me direct your attention to between 2009 and 2012, according to court the first paragraph: Akron, Ohio. A 14 former Akron doctor who doled out hundreds documents. 15 Do you see that? of thousands of prescription painkillers 16 MR. LAVELLE: Object to form. without any medical purpose will spend up 17 17 A. I see it here. to ten years in a federal prison. 18 Q. Have you ever heard of this 18 Do you see that? 19 19 A. Yes. before? 20 20 Q. I take it your answer would be A. Aside from the document you just 21 the same if I ask again you've never heard read. 22 Q. Look at the last paragraph on of this before, right? 23 this page: Adolph Harper's customers, A. I don't recall this. many of whom were drug addicts exhibiting MR. LAVELLE: Object to form. Page 211 Page 213 clear signs of drug addiction during their BY MR. SIMMER: visits to this office, came to his office Q. You don't recall whether you -and received "prescriptions" for addictive A. I don't recall this particular prescription medications without being doctor situation. You hear in the media examined by Harper and often without all the time that a doctor is getting seeing him at all, according to court arrested and they've been pushing pill 7 mills and -- but I don't recall this documents. 8 specific doctor or if this was one of the Do you see that? 9 A. Yes. ones I've heard. 10 Q. Are you aware at all that Dr. 10 Q. Let me go back here on Harper pled guilty and any of this 11 Exhibit 6, the email we looked at a moment 12 information conveyed I just read? 12 ago. 13 MR. LAVELLE: Object to form. 13 A. Yes. 14 Objection; asked and answered. 15 A. Outside of this release, I don't recall anything specific to this doctor. 16 17 (Rite Aid - Novack Exhibit 9, 18 Cleveland.com article dated February 19 13, 2015, was marked for 20 identification, as of this date.) 21 BY MR. SIMMER: 22 Q. The court reporter has handed you what she's marked as Novack Exhibit 9. I'll identify it for the record as an

Page 214 Page 216 MR. SIMMER: That is correct. 2 Q. Now, if you would, look at We can waste a lot of time here. 3 3 Exhibit 7. the indictment. What you're reviewing it for is not 4 A. Yes. the content of the document, it's the 5 5 redactions. O. And that first sentence under 6 overview, do you see where it says: From Beyond that, if you have any on or about September 9 --7 concerns about that, we're going to go 8 8 MR. SIMMER: Strike that. I'll ahead and proceed with our 9 9 start again. questioning. 10 10 Q. From on or about September 1, MR. LAVELLE: Well, I don't know 2009 and continuing through on or about 11 11 what you've redacted. And the copy 12 12 May 18, 2012. you've given to me doesn't have a 13 So, I guess my question is, and 13 Bates number on it. I just want to establish for the record, 14 MR. SIMMER: I've told you what your request, the one that you passed on 15 the issue was, and I'll go ahead and 16 to McKesson for a 15 percent threshold read into the record what the Bates 17 increase, you'd agree with me is during number is. We'll substitute in Bates 18 the time period of the indictment of Dr. 18 numbered documents when we get it, so. 19 19 Harper, right? MS. CHARLES: I don't want to 20 MR. LAVELLE: Object to form. 20 hold this up, but if the Bates number 21 A. Based off of this information, 21 was removed, was our confidentiality 22 22 the threshold increase for this location stamping also removed? 23 23 was September 2011. MR. SIMMER: We talked about 24 24 Q. It's within the time period of this this morning, counsel, and we're Page 215 Page 217 the indictment, right? 1 going to substitute back in the ones, 2 2 but the printing service, for whatever A. Yes. MR. LAVELLE: Object to form. 3 3 reason, cut all of the Bates numbering 4 off of every exhibit. BY MR. SIMMER: 4 5 Q. This has some of the redactions 5 MS. CHARLES: So, I'll just have a standing objection to the use of I'm talking about. I'm going to show this 6 7 7 to counsel first. So -exhibits without our confidentiality 8 8 MR. POWERS: And also for the stamping, but I understand the excuse. 9 record, counsel for McKesson has 9 MR. SIMMER: And Rite Aid's 10 10 e-mailed back saying that they do not counsel made the same objection early 11 11 object to the use of these documents 12 for this deposition. 12 Do we have one for the witness 13 MR. SIMMER: So we'll go ahead 13 too? I don't think we gave it to her 14 14 and proceed unless Rite Aid counsel vet. 15 15 want to lodge any objection. MR. LAVELLE: You want me to 16 MR. LAVELLE: I'd like to see 16 give this to the court reporter? 17 17 the document before you show it to the MR. SIMMER: The court reporter, 18 18 witness. so she can mark it, please. 19 19 (Rite Aid - Novack Exhibit 10, MS. CHARLES: On behalf of 20 20 email chain ending December 19, 2012, McKesson, I'll just note I think it's 21 already clear on the record that the 21 Bates No. MCK_MDL_00571625 to 22 22 redactions on this document were not MCK_MDL_00571628, was marked for 23 23 as produced by McKesson. They were identification, as of this date.) 24 24 added by plaintiff's counsel. MR. SIMMER: I identify it for









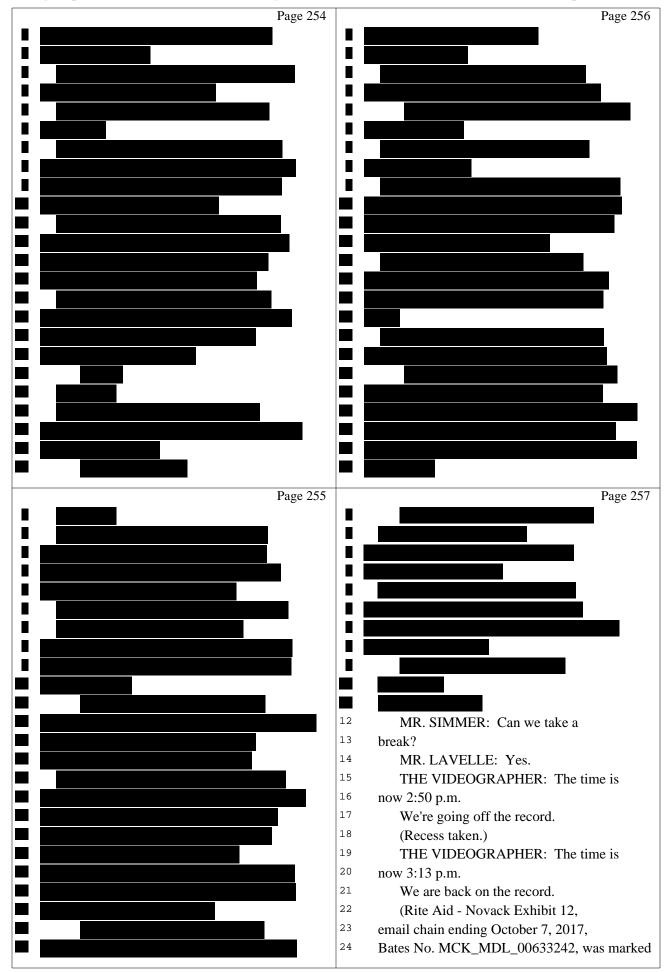


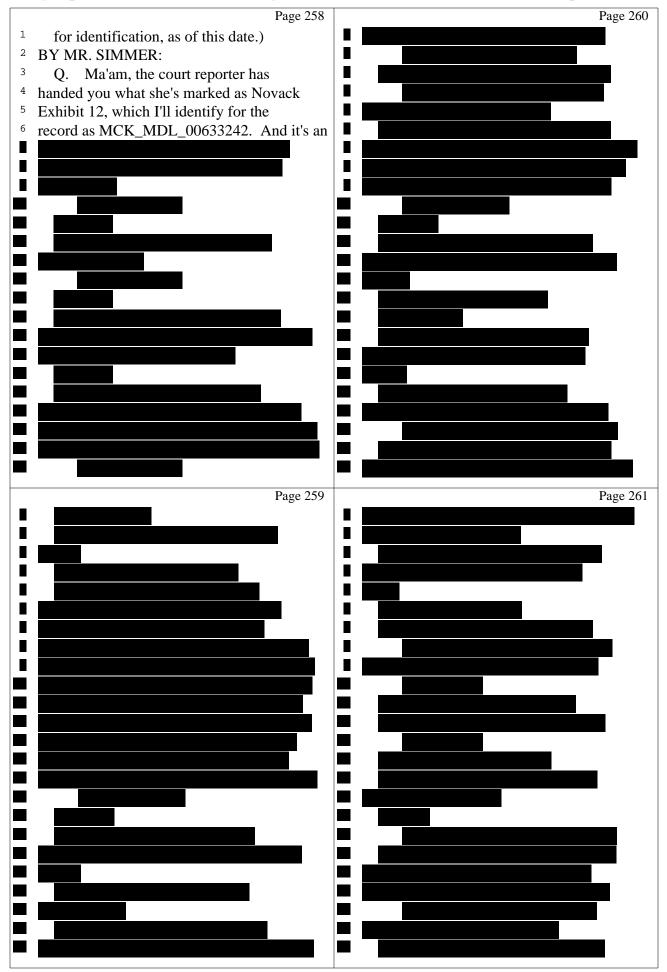


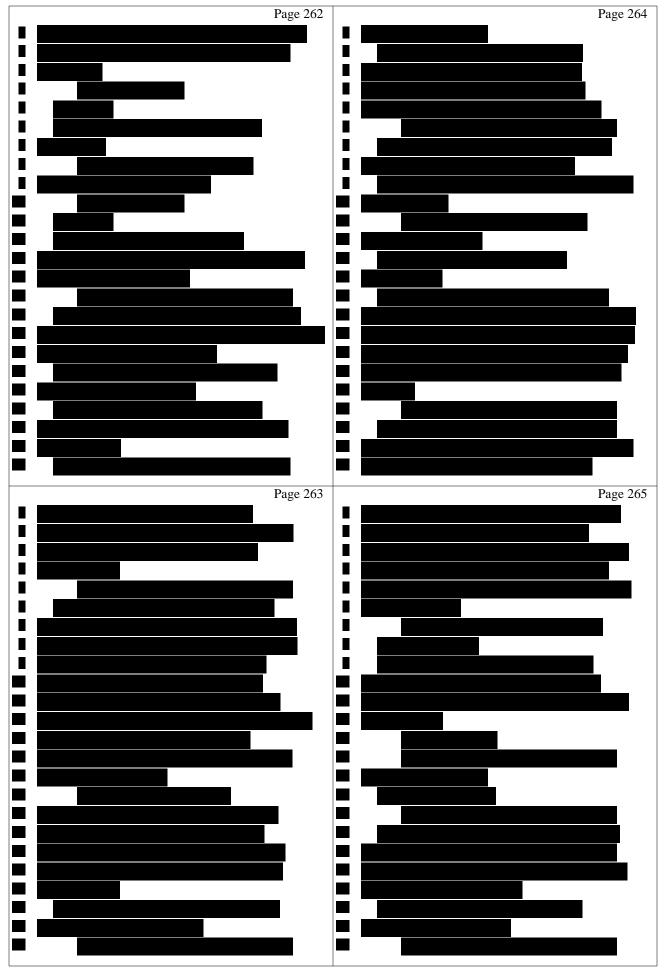




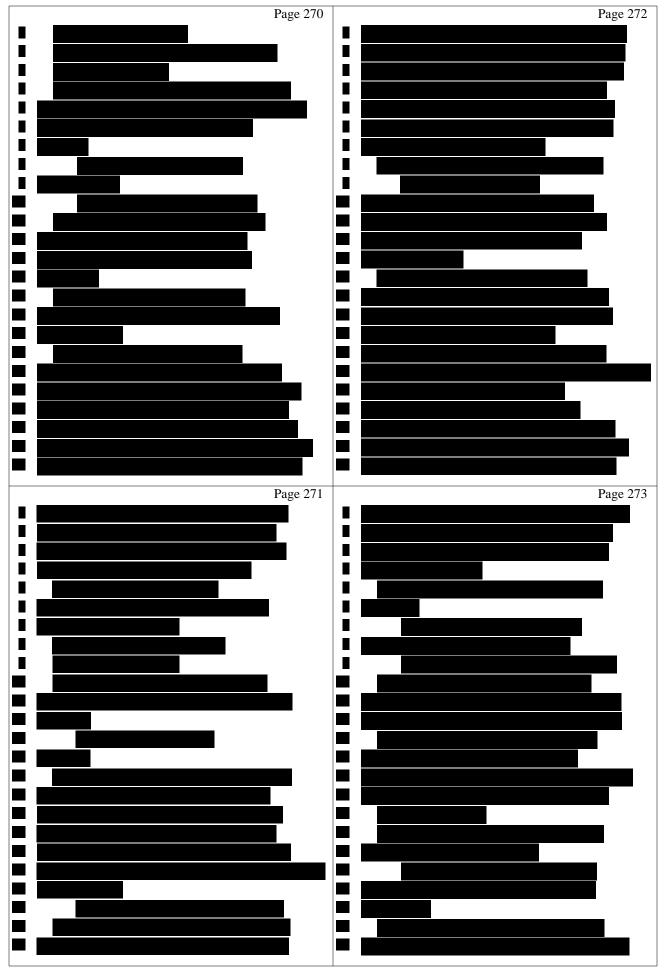








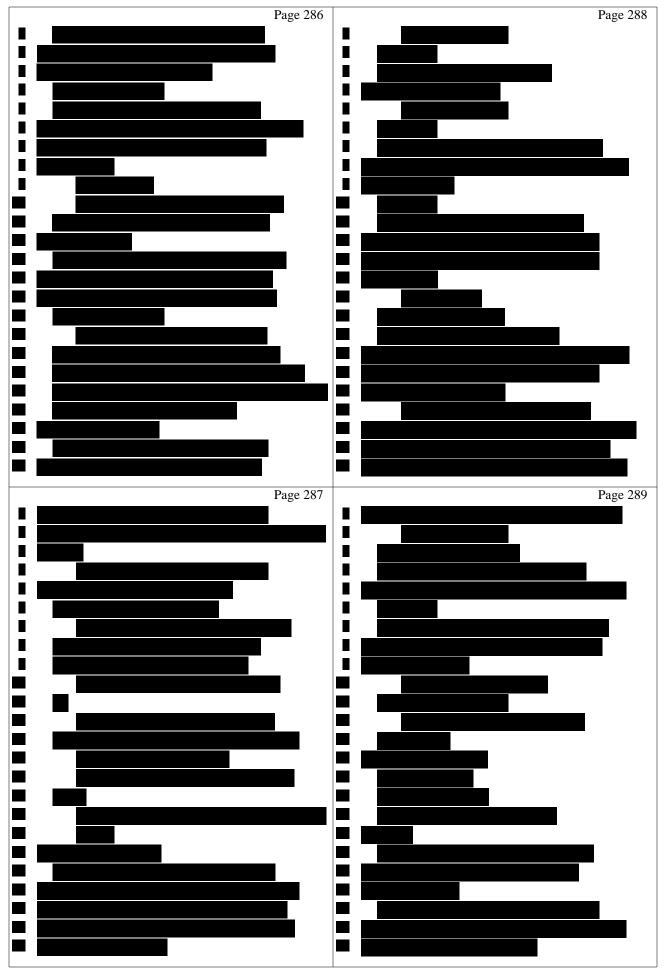








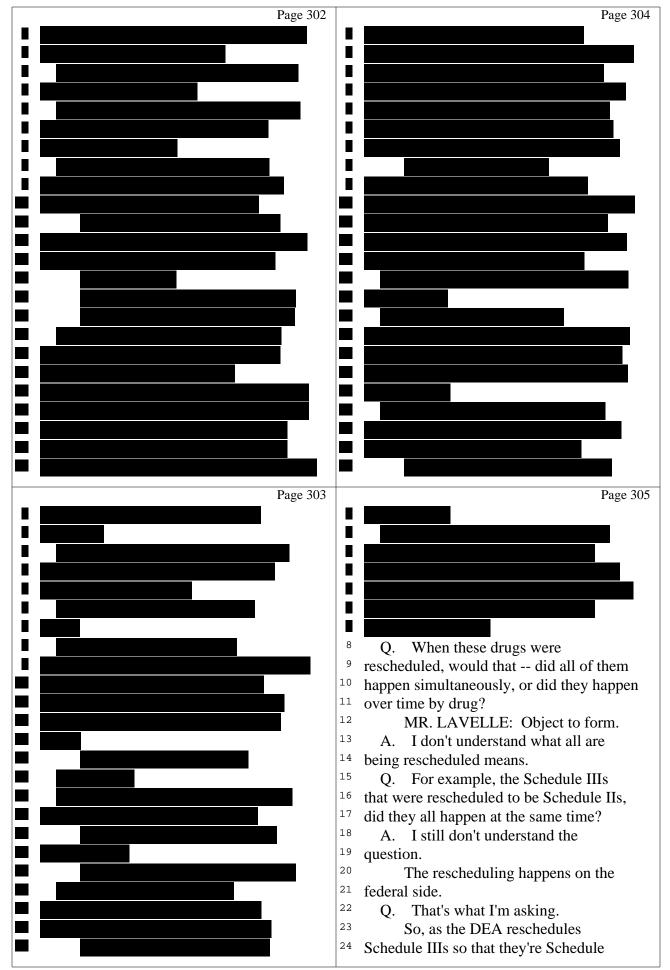












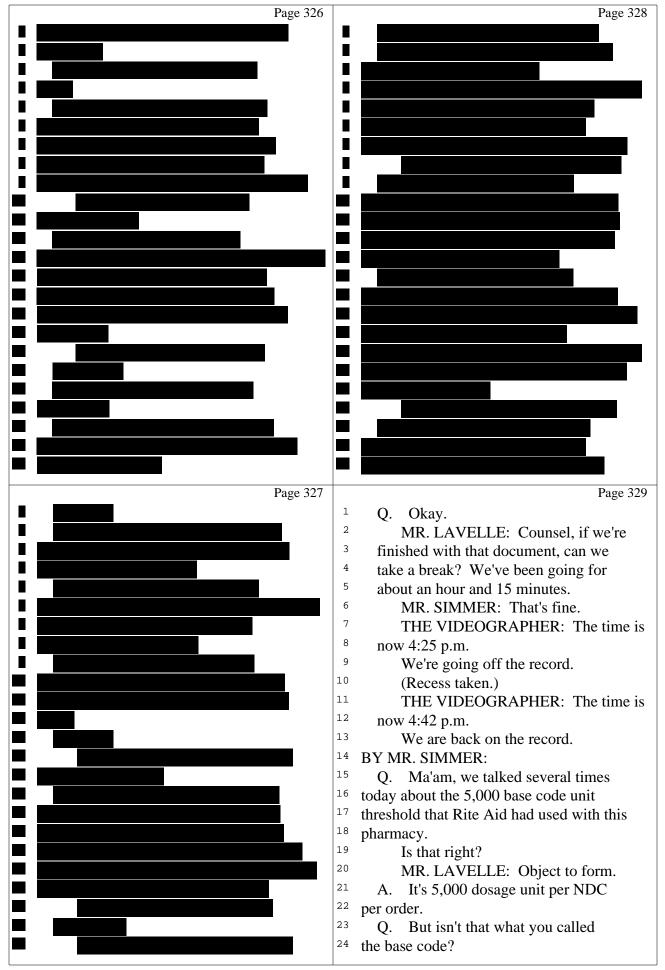
Page 306 Page 308 ¹ IIs, did that all happen at the same time? ¹ for all the drugs, or did it phase in by 2 A. For a specific medication, it drug? 3 would have happened at the same time. So, MR. LAVELLE: Object to form. when it was tramadol, tramadol is going to A. It was one drug at a time. be a scheduled medication. When they I still don't understand. rescheduled hydrocodone, there was all 6 Q. If it was one drug at a time, different strengths of hydrocodone that that's fine. was rescheduled at the same time. So it was -- we had a date for 9 I don't know if that's -the change that happened that affected 10 tramadol. There was another date for Q. Well, I'm asking not just about, you know, isolated tramadol or hydrocodone hydrocodone combination, another date for 12 combination. another drug. 13 All those Schedule III drugs 13 Is that what you're saying? 14 14 when they were rescheduled, did all of A. Yeah. 15 15 them happen at the same time? MR. LAVELLE: Object to form. 16 MR. LAVELLE: Object to form. 16 A. I'm saying that there were A. I don't understand the question. 17 specific dates where the rescheduling had 18 Q. There's a disconnect here. I'm 18 to happen. 19 19 doing the best I can to ask what I thought O. Okay. 20 was a simple question. 20 Not dictated by any of us here. 21 It was the DEA that decided that 21 Q. Understood. Okay. 22 these were going to be rescheduled, right? 23 MR. LAVELLE: Object to form. 24 A. For the federal scheduling of Page 307 Page 309 the medications. 2 Q. Right. 3 They are the ones that decided that, right? 5 A. It was changed from the federal, 6 yes. 7 So, when a schedule change happened with a medication, tramadol was non-control, we didn't have threshold set ¹⁰ for a non-control medication. So, when 11 tramadol was rescheduled, it now had a base code. It had a controlled substance 13 limiting threshold, and we had to set those for the first time, whether it be in 15 the supply chain. 16 So it looks like this is during 17 McKesson. 18 Q. I think I'm starting to 19 understand why we have disconnects. 20 All of these changes the DEA 21 made, the reschedule, you know, scheduling products that were not scheduled at all or controlled before who now are, all those changes, did they happen at the same time









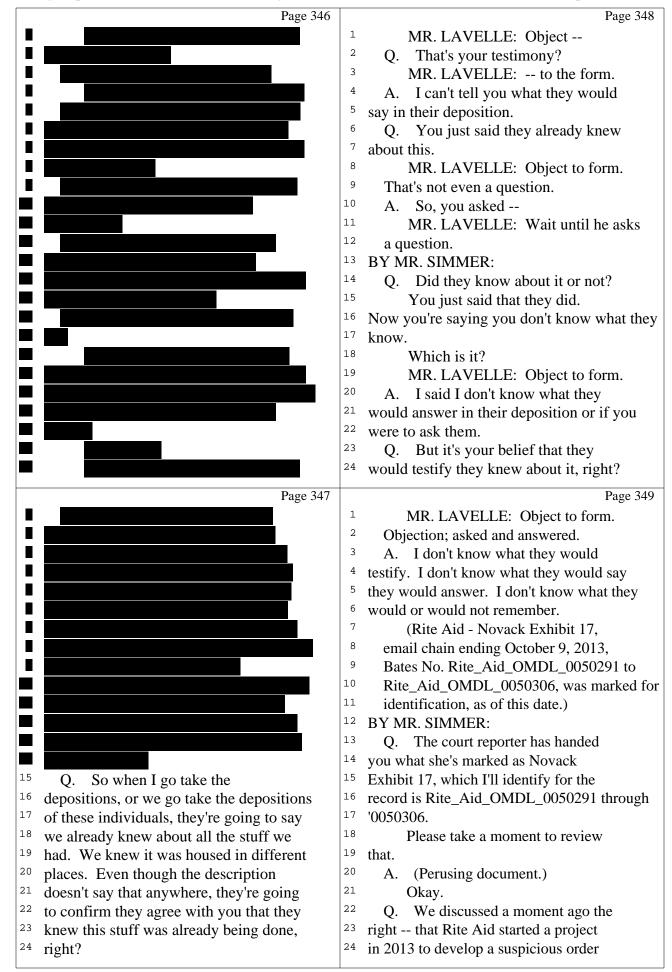


Page 330 Page 332 1 A. No. Q. So, I'm just trying to 2 understand so that if a store ordered, Q. Am I getting this mixed up just give an example, 7500 of that 3 again? 4 particular NDC, 7500 units, would they get It's McKesson is the base code; for Rite Aid it was NDC, right? the 5,000 or would they get nothing? MR. LAVELLE: Object to form. 6 A. Yes. 7 Q. Okay. Did you have anything to A. I don't -- I'm not clear. I do with setting that 5,000 limit per NDC? know in McKesson, it would -- the whole 9 A. No. order would be omitted. 10 10 Q. Do you know when that was, that From the supply chain, I'm not particular policy was set for Rite Aid? 11 sure. I'm not involved in that. 12 12 A. I'm not aware when it was set. Q. So that McKesson, at least 13 Q. But it -- but it was something you're sure that they would not do a that was in place when you took your job partial order up to -- or delivery up to the threshold, right? in Asset Protection? A. It was already in place, yes. 16 16 A. Correct. 17 17 Q. Do you have any idea how long it Q. Do you know why they did it that 18 had been in place? 18 way? 19 19 A. I'm not sure. MS. CHARLES: Objection; 20 20 Q. So, that how did this work sort foundation. 21 of in the Rite Aid environment, when a A. I'm not sure. 22 pharmacy ordered more than 5,000 of a O. Do you know whether Rite Aid had particular NDC in any given month, would a similar policy? Just to be real clear. they receive the full 5,000, or was there MR. LAVELLE: Object to form. Page 333 Page 331 some -- how was that handled? A. Rite Aid's policy was somebody 2 will look at the lines that were ordered. MR. LAVELLE: Object to form. 3 A. The stores may not have been If it was over the 5,000, then somebody able to order the 5,000. We have a would come out and pick the lines, and replenishment system that goes through an they would have a protocol in place to algorithm. It takes into account the contact the stores, document that call, medication on hand and the movement. So that activity in a log. Q. Okay. I'm not sure I got a it didn't allow you to just manually order 5,000 units if that's not what you've been clear answer there. 10 10 dispensing or that's not what your sales Would they get a partial order 11 11 show. shipped to them? 12 12 MR. LAVELLE: Object to form. So, in that scenario, you would 13 not be able to reach that threshold. The 13 Objection; asked and answered. ordering system would tell you you can't 14 A. I don't recall if they partially order above this because it's already 15 would fulfill that order. I don't ¹⁶ exceeded the max based off of your store 16 remember. 17 17 algorithm. If the store orders more than Q. Okay. 18 5,000, or for whatever reason the order is (Rite Aid - Novack Exhibit 16, 19 over 5,000, then the order would be email chain ending June 17, 2013, 20 omitted. So they would not get anything Bates No. Rite_Aid_OMDL_003075 to 21 21 Rite_Aid_OMDL_003077, was marked for above that. 22 22 identification, as of this date.) Q. They would get the 5,000 though, 23 right? BY MR. SIMMER: 24 24 You know, I don't know. The court reporter has handed





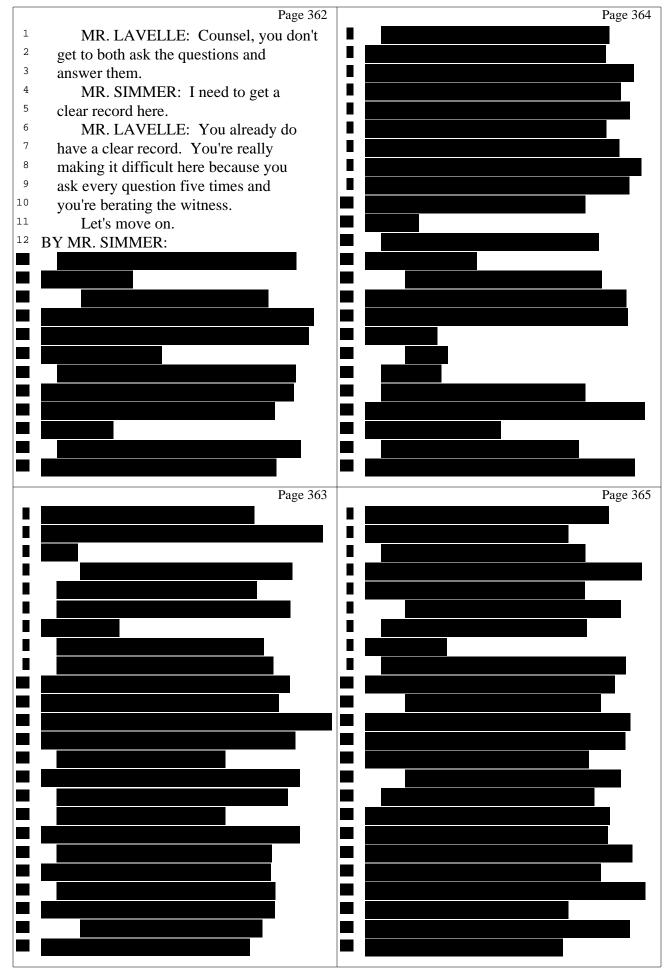










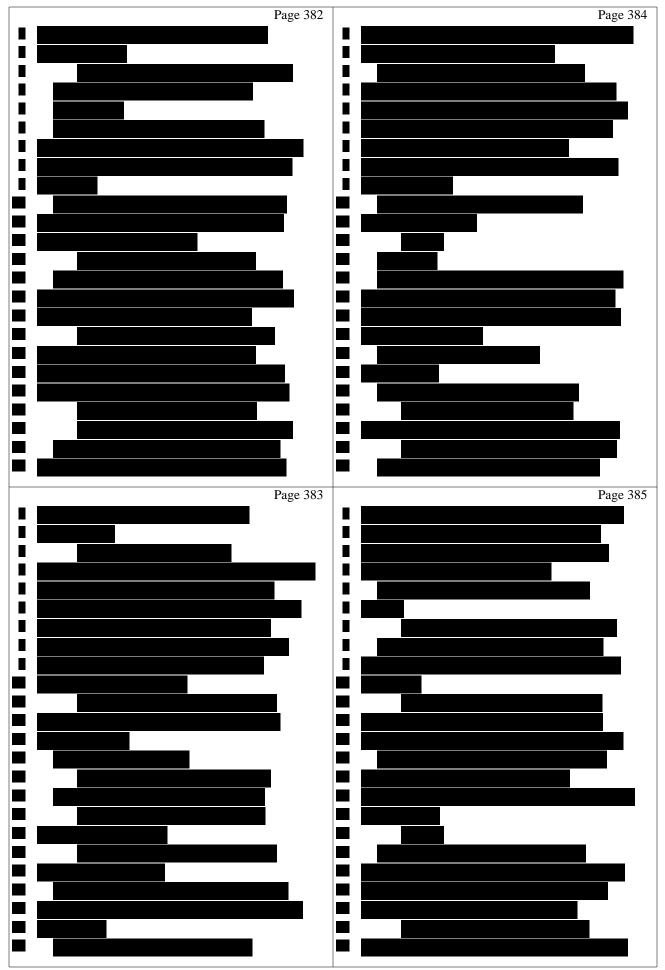








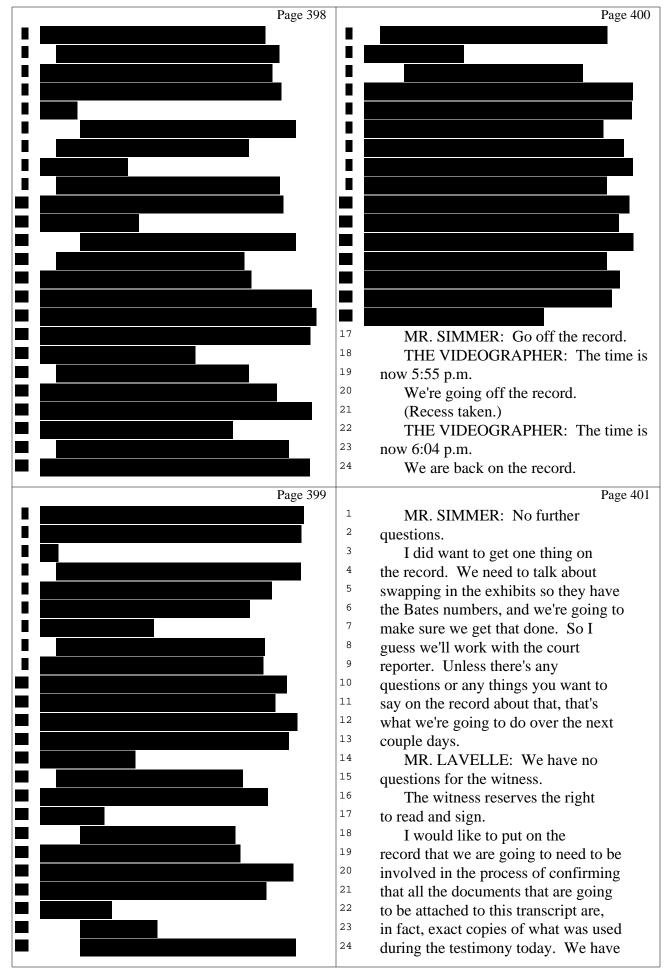












	Page 402		Page 404
1	copies of what was provided to us by	1	ERRATA
2	counsel, and we will be included in	2	PAGE / LINE / CHANGE / REASON
3	whatever communications there are	3	
4	between plaintiff's counsel and the	4	
5	court reporter to make sure we have a	5	
6	record of the complete documents,	6	
7	including Bates numbers.	7	
8	MS. CHARLES: McKesson we would	8	
9	appreciate being involved in that as	9	
10	well, as well as for our confidential	10	
11	stamping of the documents.	11	
12	MR. SIMMER: Of course.	12	
13	MR. LAVELLE: We agree with	13	
14	that.	14	
15	THE VIDEOGRAPHER: The time is	15	
16		16	
17	now 6:05 p.m. This concludes today's	17	
18	•	18	
19	deposition. We are going off the	19	
20	record.	20	
21	(Deposition adjourned at	21	
22	approximately 6:05 p.m.)	22	
23		23	
24		24	
24		21	
	Page 403		Page 405
1	ACKNOWLEDGMENT	1	CERTIFICATE
2		2	STATE OF NEW YORK
3	STATE OF)	3	COUNTY OF NEW YORK
4	:ss	4	
5	COUNTY OF)	5	I, Marie Foley, RMR, CRR, a
6		1	Certified Realtime Reporter and Notary
7	I, SOPHIA NOVACK, hereby certify	7	Public within and for the State of New
8	that I have read the transcript of my	8	York, do hereby certify:
9	testimony taken under oath in my	9	THAT SOPHIA NOVACK, the witness
10	deposition of January 9, 2019; that the	10	whose deposition is hereinbefore set
11	transcript is a true and complete record	11 12	forth, was duly sworn by me and that such
13	of my testimony, and that the answers on	13	deposition is a true record of the
14	the record as given by me are true and	14	testimony given by the witness.
15	correct.	15	I further certify that I am not
16		16	related to any of the parties to this action by blood or marriage, and that I am
17		17	in no way interested in the outcome of
	SOPHIA NOVACK	18	this matter.
18	boi imi no viicix	19	IN WITNESS WHEREOF, I have
19	Signed and subscribed to before me this	20	hereunto set my hand this 11th day of
20	day of, 2019.	21	January, 2019.
21	, 2019.	22	
22		23	
23	Notary Public, State of		MARIE FOLEY, RMR, CRR
24		24	

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